ACTS
AND
LAWS,
Of His
Majeſties Province of the Maſſachuſetts-Bay, in
New-England.

BOSTON.

Printed by *Bartholomew Green,* and *John Allen,* (Printers to His Excellency the GOVERNOUR and COUNCIL,) for, and Sold by *Michael Perry* at his Shop over againſt the Town-Houſe, and *Benjamin Eliot* under the Weſt-End of the Town-Houſe. 1699.

Re-printed,

By Order of His Excellency the Governour,
Council and Assembly.

Isaac Addington Secr.

Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*. Begun and Held at *Boſton* the Eighth of *June* 1692. and continued by Adjournment unto the Twelfth day of *October* following.

An Act for Building with Stone or Brick in the Town of *Boſton*, and preventing Fire.

WHEREAS *Great Deſolations and Ruines have ſundry times happened by Fire breaking out in the Town of* Boſton, *principally occaſioned by reaſon of the joyning and nearneſs of the Buildings, being moſtly of Timber, and covered with Shingle.*

For the better preventing of ſuch Accidents for the future, and Damage and Loſs thereby.

Be it Ordained and Enacted by the Governour, Council and Repreſentatives, Convened in General Court or Aſſembly. And it is Enacted by the Authority of the ſame, That henceforth no Dwelling-Houſe, Shop, Ware-houſe, Barn, Stable, or any other Houſing of more than Eight Feet in Length, or Breadth, and Seven Feet in Heighth, ſhall be Erected and Set up in *Boſton*, but of Stone or Brick, and covered with Slate or Tyle, unleſs in particular caſes where neceſſity requires; being ſo judged and ſignified in writing under the Hands of the Juſtices and Select-men of the ſaid Town, or major part of both; the Governour with the Advice and Conſent of the Council ſhall ſee cauſe to Grant Licence unto any perſon to Build with Timber, or cover with Shingle. And if any perſon ſhall preſume to Erect, or cauſe to be Erected, any Frame or Building contrary hereto; upon Conviction thereof, before two Juſtices of Peace (*Quorum Unus*) ſuch Building ſhall be deemed a common Nuſance, and the Owner of ſuch Frame or Building ſhall enter into a Recognizance to Demoliſh the ſame; and in Default of Entring into ſuch Recognizance, ſhall be Committed to Priſon, until he do cauſe the ſame to be Demoliſhed; or elſe ſuch Building ſhall be Demoliſhed by Order of the Quarter Seſſions of the Peace within the ſaid County, and the Charges thereof to be Levied by Diſtreſs, and Sale of ſuch Offenders Goods, by Warrant from the Court of Quarter Seſſions.

Buildings in *Boſton* to be of Brick or Stone, and covered with Slate.

Governour and Council to grant Licence to Build with Timber in Caſe.

Penalty for tranſgreſſing this Act.

And it is further Ordered and Enacted, That in all Void and Unbuilt Places, which ſhall hereafter be improved for Building, or when at any time any total Conſumption or Deſolation ſhall happen in any Street or Lane within the ſaid Town, it ſhall be in the power of the Juſtices of the Peace of ſaid Town then in being, together with the Select-Men, or the major part of both, to State and Lay out ſuch Streets, Ways and Paſſages, as may be moſt for the Conveniency and Accommodation of the Place: As alſo where any Deſolation has happened, to Regulate and Enlarge other narrow and crooked Lanes or Paſſages. AND where any particular perſons ſhall have their Land taken away or leſſened thereby; a Jury of Twelve Men ſhall be appointed by two Juſtices of the Peace, and Sworn to Aſcertain the value thereof, to be paid by the perſon, to whoſe Land the ſame ſhall be added, or by the Neighbourhood or Town, in proportion to the benefit or conveniency any ſhall have thereby. And every perſon Building as aforeſaid with Brick or Stone, ſhall have liberty to Set half his Partition Wall in his Neighbours Ground,

Juſtices and Select-men to lay out Streets, &c.

A Jury to Aſcertain the value of any Perſons Land laid to any Street.

Ground, so that he leave Toothing in the Corners of such Walls for his Neighbour to adjoyn unto, who when he shall Build, such Neighbour adjoyning, shall pay for one half of the said Partition Wall, so far as it shall be Built against And in case of any Difference arising, the Select men shall have power to appoint meet persons to value the same, or lay out the Line between such Neighbours *And* whereas several Houses and other Buildings have been Erected and Set up since the year 1688. contrary to the Law made by the General Court of the *Massachusetts* Colony.

Party Wall to stand half in the Neighbours ground.

It is hereby Ordained and Enacted by the Authority aforesaid, That every Owner of such House and Buildings so Set up, contrary to said Law, shall cause the same to be Covered with Slate or Tyle; or otherwise such Houses or Buildings shall be deemed a common Nusance, and the Owner thereof Proceeded against accordingly.

And be it further Enacted and Declared by the Authority aforesaid, That when any Fire shall happen to break out either in *Boston*, or any other Town within this Province, two or three of the Chief Military or Civil Officers of the same Town, shall, or may, and hereby are Impowred to give Directions for the pulling down, or blowing up any such House or Houses that shall be by them adjudged meet to be pulled down or blown up, for the stopping and preventing the further Spreading of the same. And if it shall happen that the pulling down or blowing up any such House or Houses by the Directions aforesaid, shall be the occasion of stopping the said Fire, or that the Fire stop before it come to the same. That then all and every Owner of such House or Houses, shall Receive reasonable Satisfaction, and be paid for the same, by the rest of the Inhabitants, whose Houses shall not be Burnt; who are hereby Impowred to make such Rate or Rates, for the Raising and Levying such Sum and Sums of Money as shall be thought convenient by the Select-men and Justices of said Town for that end.

Two or three of the chief Military Officers to order the pulling down or blowing up of Houses to stop Fire.

Provided always, That if the House where the Fire shall first Begin and Break out, shall be adjudged fit to be pulled down or blown up to hinder the further spreading and increase of the same. That then the Owner of such House shall receive no manner of Satisfaction for the same. Any thing in this Act contained notwithstanding.

Where the Fire is stopt by pulling down or blowing up any House the Owner to be paid.

An Act for the Settlement and Distribution of the Estates of Intestates.

WHEREAS *Estates in these Plantations do consist chiefly of Lands which have been subdued and brought to Improvement, by the Industry and Labour of the Proprietors, with the Assistance of their Children, the younger Children generally having been longest and most Serviceable unto their Parents in that behalf; who have not Personal Estate to give out unto them in Portions or otherwise to Recompence their Labour.*

Be it therefore Enacted and Ordained by the Governour, Council and Representatives, Convened in General Court or Assembly. And it is Ordained by the Authority of the same, That every person lawfully Seized of any Lands, Tenements, or Hereditaments within this Province, in his own proper right in Fee Simple, shall have power to give, dispose, and devise, as well by his Last Will and Testament in Writing, as otherwise by any Act Executed in his Life, all such Lands, Tenements and Hereditaments to and among his Children or others, as he shall think fit at his Pleasure.

Persons Seized of Lands in fee simple may dispose of the same by will, &c.

Pleasure. And if no such Disposition, Gift or Devise be made by the Owner of any such Lands, Tenements and Hereditaments; the same shall be subject to a Division, with his Personal Estate, and be a like Distributed, according to the Rules herein after Expresst for Intestate Estates. And when and so often as it shall happen, That any person dyes Intestate; Administration of such Intestates, Goods and Estate shall be granted unto the Widow or next of Kin to the Intestate, or both, as the Judge for Probate of Wills, and granting of Administrations shall think fit, who shall thereupon take Bond with Sureties in manner as is directed by the Statute of the Twenty Second and Twenty Third of *Charles* the Second, and shall and may proceed to call such Administrators to account for, and touching the Goods of the Intestate: And upon due Hearing and Consideration thereof, (Debts, Funeral and just Expences of all sorts being first allowed) the said Judge shall, and hereby is fully Impowred to Order and make a just Distribution of the Surplusage, or remaining Goods and Estate as well Real as Personal in manner following: *That is to say,* One Third Part of the Personal Estate to the Wife of the Intestate for ever, besides her Dower or Thirds in the Houses and Lands during Life, where such Wife shall not be otherwise Endowed before Marriage, and all the Residue of the Real and Personal Estate by Equal Portions to and among his Children, and such as shall Legally Represent them; (if any of them be dead) other than such Children, who shall have any Estate by Settlement of the Intestate in his life time equal to the others Shares. Children advanced by Settlement, or Portions not equal to the others Shares, to have so much of the Surplusage as shall make the Estate of all to be Equal, except the Eldest Son then Surviving, (where there is no Issue of the First-born or of any other Elder Son) who shall have two Shares, or a double portion of the whole; and where there are no Sons, the Daughters shall Inherit as Coparceners. The Division of the Houses and Lands to be made by five sufficient Freeholders upon Oath, or any Three of them, to be Appointed and Sworn by the Judge for that end: unless where all the Parties Interested in any Estate being Legally capable to Act, shall mutually agree of a Division among themselves, and present the same in Writing under their Hands and Seals; in which case, such Agreement shall be accepted and allowed for a Settlement of such Estate, and be accounted valid in Law, being Acknowledged by the Parties Subscribing before the Judge, and put upon Record.

Administrators to the Estate of Intestates how to be granted.

Distribution of Intestate Estates.

Provided Nevertheless, That where any Estate in Houses and Lands cannot be divided among all the Children, without great prejudice to, or spoyling of the whole; being so Represented, and made to appear unto the said Judge, the Judge may order the whole unto the Eldest Son, if he accept it, or to any other of the Sons successively, upon his Refusal: He paying unto the other Children of the Deceased, their equal and proportionable Parts or Shares of the true value of such Houses and Lands. Upon a just Apprizement thereof, to be made by Three Sufficient Freeholders upon Oath, to be Appointed and Sworn as aforesaid, or giving good Security to pay the same in some convenient time, as the said Judge shall Limit, making reasonable allowance in the interim, not exceeding six *per Cent. per Annum.* And if any of the Children happen to Dye, before he or she come of Age, or be Married; the Portion of such Child Deceased, shall be equally divided among the Survivors.

Houses and Lands not capable of Division, to be ordered unto the Eldest Son, he paying out proportionable parts to the other Children.

And in case there be no Children, nor any Legal Representatives of them, then one Moiety of the Personal Estate shall be allotted to the Wife of the Intestate for ever; and one Third of the Real Estate, for Term of Life. The Residue both of the Real and Personal Estate, equally to every of the next of Kin of the Intestate, in equal degree, and those who Legally Represent them. No Representatives to be admitted among Colaterals after Brothers and Sisters Children. And if there be

In case there be no Children nor legal Representative of them, the Estate to be allotted to the Wife and next of Kin.

no Wife, all shall be Distributed among the Children, and if no Child, to the next of Kin to the Intestate in equal degree, and their Legal Representatives as aforesaid, and in no other manner whatsoever. And every one to whom any Share shall be allotted, shall give Bond with Sureties before the said Judge of Probate; if Debts afterwards be made to appear, to Refund and Pay back to the Administrator, his or her Ratable part thereof, and of the Administrators Charges. The Widows Thirds or Dower in the Real Estate, at the Expiration of her Term to be alike Divided as aforesaid. Saving to any Person agrieved at any Order, Sentence or Decree made for the Settlement and Distribution of any Intestate Estate, their Right of Appeal unto the Governour and Council. Every Person so Appealing, giving Security to Prosecute the Appeal with Effect.

Right of Appeal Saved.

See Explanatory Act page

Be it further Enacted by the Authority aforesaid, That if any Executor or Executors of the Will of any Person deceased, knowing of their being so named and appointed, shall not within the space of thirty days next after the Decease of the Testator, cause such Will to be proved, and Recorded in the Registers Office, of the same County where the Deceased Person last dwelt; or present the said Will, and declare his or their refusal of the Executorship. Every Executor so neglecting of his or her Trust and Duty in that behalf, (without just Excuse made and accepted for such delay) shall forfeit the Sum of *Five Pounds per* Month, from and after the Expiration of the said Thirty Days, until he or they shall cause Probate of such Will to be made, or present the same as aforesaid. Every such Forfeiture to be had and recovered by Action, or Information, in the Inferiour Court of Pleas, in the same County: And to be disposed of, one Moiety thereof, to the use of the Poor of the Town, where the Deceased Person last dwelt; and the other Moiety to him or them that shall Inform and Sue for the same. And upon any such refusal of the Executor, or Executors, the Judge shall commit Administration of the Estate of the Deceased, *Cum Testamento annexo* unto the Widow or next of Kin to the Deceased, and upon their refusal, to one or more of the Principal Creditors, as he shall think fit.

Executors to cause Probate of Wills to be made in thirty days next after the Testators Death.

Penalty for Neglect.

Upon Refusal Administration to be committed: *cum Testamento annexo.*

And if any person or Persons shall Alienate or Imbezel any of the Goods or Chattels of any person Deceased, before he or they have taken out Letters of Administration, and Exhibited a true Inventory of all the known Estate of the Party Deceased. Every person or persons so acting, shall stand Chargeable, and be liable to the Actions of the Creditors and other persons grieved, as being Executors in their own wrong. And the Judge shall cause a Citation to be made out unto the Widow, or next of Kin; and upon their Neglect of appearance, or refusal, may Commit Administration of any such Estate, to some one or more of the chief Creditors, if accepted by them, or others, as he shall think fit, upon their refusal.

Executors by wrong.

And whereas, according to the former practice of the Courts, Bonds for due Administration of the Estates of Intestates, were taken in the Name of the County Treasurer, and the Obligation made to him, his Successors in said Office or Assigns; many of which are still depending.

It is further Enacted by the Authority aforesaid, That the Judge for Probate of Wills, and Granting of Administrations in the Counties respectively: be, and hereby are fully Impowred and Authorized, to call all such Administrators to account, and if need be, to put the said Bonds or any of them in Suit, who shall be, and hereby are to be held and esteemed the Assignees of the County Treasurer in that behalf to all Intents, Constructions and Purposes in the Law whatsoever.

Bonds for Administration to the County Treasurer, to be put in Suit by the Judge.

An Act for Prevention of Frauds and Perjuries.

FOR Prevention of many Fraudulent Practices which are commonly endeavoured to be upheld by Perjury, and Subornation of Perjury.

Be it Enacted and Ordained by the Governour, Council and Representatives Convened in General Court, and by the Authority of the ſame, That from and after the laſt day of *December* in this preſent Year One Thouſand Six Hundred Ninety and Two. All Leaſes, Eſtates, Intereſts of Freehold, or Term of Years, or any uncertain Intereſt of, in, or out of any Meſſuages, Lands, Tenements, or Hereditaments, made or created by Livery and Seiſin only, or by Parole, and not put in writing and Signed by the Parties, ſo making or creating of the ſame, or their Agents thereunto lawfully Authorized by writing, ſhall have the Force and Effect of Leaſes, or Eſtates at will only, and ſhall not either in Law or Equity be deemed or taken to have any other or greater Force or Effect; any conſideration for making any ſuch Parole Leaſes or Eſtates, or any former Law or Uſage to the contrary notwithſtanding.

Parole Leaſes and Intereſt of Freehold ſhall have the force of Eſtates at will only.

Except nevertheleſs, all Leaſes not exceeding the Term of Three Years from the making thereof, whereupon the Rent Reſerved to the Landlord, during ſuch Term ſhall amount unto two third parts at the leaſt of the full improved value of the thing Demiſed.

Except Leaſes not exceeding three years, *&c.*

And moreover, That no Leaſes, Eſtates or Intereſts, either of Freehold, or Term of Years, or any uncertain Intereſt of, in, to or out of any Meſſuages, Lands, Tenements or Hereditaments, ſhall at any time after the ſaid laſt day of *December*, be Aſſigned, Granted or Surrendred, unleſs it be by Deed or Note in Writing, Signed by the Party ſo Aſſigning, Granting or Surrendring the ſame, or their Agents thereunto lawfully Authorized by Writing, or by Act and Operation of Law.

No Leaſes or Eſtates of Freehold to be granted or ſurrendred by word.

And be it further Enacted by the Authority aforeſaid, That from and after the ſaid laſt day of *December*, no Action ſhall be brought whereby to Charge any Executor or Adminiſtrator upon any ſpecial Promiſe to anſwer Damages out of his own Eſtate, (2) or whereby to Charge the Defendant upon any ſpecial Promiſe to anſwer for the Debt, Default or Miſcarriages of another perſon, (3) or to charge any perſon upon any Agreement made upon conſideration of Marriage, (4) or upon any Contract or Sale of Lands, Tenements or Hereditaments, or any Intereſt in, or concerning them; (5) or upon any Agreement that is not to be performed within the ſpace of one year from the making thereof; (6) unleſs the Agreement upon which ſuch Action ſhall be brought, or ſome Memorandum or Note thereof ſhall be in Writing, and Signed by the Party, to be Charged therewith, or ſome other perſon thereunto by him lawfully Authorized.

Promiſes & Agreements by Parole.

And be it further Enacted by the Authority aforeſaid, That from and after the ſaid laſt day of *December*, all Deviſes and Bequeſts of any Lands or Tenements, ſhall be in Writing, and Signed by the Party ſo Deviſing the ſame, or by ſome other perſon in his preſence, and by his expreſs Directions, and ſhall be Atteſted and Subſcribed in the preſence of the ſaid Deviſor, by three or four credible Witneſſes, or elſe ſhall be utterly void and of none Effect.

Deviſes of Lands to be in Writing & atteſted by three or four Witneſſes.

And moreover, no Deviſe in Writing of Lands, Tenements or Hereditaments, or any Clauſe thereof, ſhall at any time after the ſaid laſt day of *December*,

How the ſame ſhall be revocable.

cember, be Revocable, otherwiſe then by ſome other Will or Codicil in Writing, or other Writing declaring the ſame, or by Burning, Cancelling, Tearing or Obliterating the ſame by the Teſtator himſelf, or in his preſence, and by his directions and conſent; (2) But all Deviſes and Bequeſts of Lands and Tenements ſhall remain and continue in full force, until the ſame be Burnt, Cancelled, Torn or Obliterated by the Teſtator, or his Direction in manner aforeſaid, or unleſs the ſame be altered by ſome other Will or Codicil in Writing, or other Writing of the Deviſor, Signed in the preſence of three or four Witneſſes, declaring the ſame; any former Law or Uſage to the contrary Notwithſtanding.

All Declarations or Creations of Truſt to be in Writing.

And be it further Enacted by the Authority aforeſaid, That from and after the ſaid laſt day of *December,* all Declarations or Creations of Truſts, or Confidences of any Lands, Tenements or Hereditaments, ſhall be manifeſted and proved by ſome Writing, Signed by the Party who is by Law enabled to declare ſuch Truſt, or by his laſt Will in Writing, or elſe they ſhall be utterly void and of none effect.

Truſts ariſing, transferred or extinguiſhed by implication of Law excepted.

Provided always, That where any Conveyance ſhall be made of any Lands or Tenements, by which a Truſt or Confidence ſhall or may ariſe or reſult by the Implication or Conſtruction of Law, or be Transferred or Extinguiſhed by an Act or Operation of Law, then, and in every ſuch caſe, ſuch Truſt or Confidence ſhall be of the like Force and Effect as the ſame would have been, if this Act had not been made; any thing herein before contained to the contrary notwithſtanding.

Aſſignments of Truſt ſhall be in writing.

And be it further Enacted, That all Grants and Aſſignments of any Truſt or Confidence, ſhall likewiſe be in Writing, Signed by the Party, Granting or Aſſigning the ſame by ſuch Laſt Will or Deviſe, or elſe ſhall be utterly void and of none Effect.

Contract for Sale of Goods for Ten Pounds or more.

And be it further Enacted by the Authority aforeſaid, That from and after the ſaid laſt day of *December,* No Contract for the Sale of any Goods, Wares and Merchandizes, for the price of *Ten Pounds,* or upwards, ſhall be allowed to be good, except the Buyer ſhall accept part of the Goods ſo Sold, and actually receive the ſame, or give ſomething in Earneſt to bind the Bargain, or in part of payment, or that ſome Note or Memorandum in Writing of the ſaid Bargain, be Made and Signed by the Parties to be Charged by ſuch Contract, or their Agents thereunto lawfully Authorized.

Nuncupative Wills.

And for prevention of Fraudulent Practices, in Setting up Nuncupative Wills, which have been the occaſion of much Perjury.

Not to be good for above the value of Thirty Pounds, that is not proved by the Oaths of three Witneſſes.

Be it Enacted by the Authority aforeſaid, That from and after the aforeſaid laſt day of *December,* No Nuncupative Will ſhall be good, where the Eſtate thereby Bequeathed, ſhall exceed the value of *Thirty Pounds,* that is not proved by the Oaths of Three Witneſſes (at the leaſt) that were preſent at the making thereof, nor unleſs it be proved that the Teſtator at the time of pronouncing the ſame, did bid the perſons preſent, or ſome of them bear witneſs, that ſuch was his Will, or to that effect; nor unleſs ſuch Nuncupative Will were made in the time of the laſt Sickneſs of the Deceaſed, and in the Houſe of his or their Habitation or Dwelling, or where he or ſhe hath been Reſident, for the ſpace of ten days or more, next before the making of ſuch Will, except where ſuch perſon was ſurprized or taken Sick, being from his own Home, and Dyed before he returned to the place of his or her Dwelling.

And be it further Enacted, That after ſix months paſſed after the ſpeaking

ſpeaking of the pretended Teſtamentary Words, no Teſtimony ſhall be received to prove any Will Nuncupative, except the ſaid Teſtimony, or the Subſtance thereof were committed to writing within ſix days after the making of the ſaid Will. No Teſtimony to be received to prove ſuch Will after ſix months, Except &c.

And be it further Enacted, That no Letters Teſtamentary, or Probate of any Nuncupative Will, ſhall paſs the Seal of any Court, till fourteen days at the leaſt after the Deceaſe of the Teſtator, be fully expired, nor ſhall any Nuncupative Will be at any time received to be proved, unleſs Proceſs have firſt iſſued to call in the Widow, or next of Kindred to the Deceaſed, to the end they may conteſt the ſame, if they pleaſe. Probate of Nuncupative Wills.

And be it further Enacted, That no Will in Writing, concerning any Goods or Chattels, or Perſonal Eſtate, ſhall be Repealed; nor ſhall any Clauſe, Deviſe or Bequeſt therein, be altered or changed by any Words, or Will by word of mouth only, except the ſame be in the Life of the Teſtator, committed to Writing, and Read to the Teſtator, and allowed by him, and proved to be ſo done by Three Witneſſes at the leaſt. No written Will to be repealed but by writing.

Provided always, That notwithſtanding this Act, any Souldier being in actual Military Service, or any Mariner or Seaman being at Sea, may diſpoſe of his Moveables, Wages, and Perſonal Eſtate, as he or they might have done before the making of this Act. Souldiers & Mariners Wills excepted.

An Act for Affirming of former Judgments, and providing for Executions.

WHEREAS *upon Tryals had in the late Courts of Judicature within the ſeveral Colonies, now by Their Majeſties Royal Charter United and Incorporated into one Province, by the name of the Province of the* Maſſachuſetts Bay, *ſeveral Judgments were obtained, of which Execution remains to be done, and ſome others are depending by Appeal, according to the courſe and practice of the Courts then in being.* To the end that there be no failure of Juſtice for want of a due courſe of Law, for the proſecuting, obtaining and levying of the ſame.

Be it Enacted and Ordained by the Governour, Council and Repreſentatives, Convened in General Court or Aſſembly, and by the Authority of the ſame, That where any Appeal as aforeſaid is depending, having not been heard; every ſuch Appellant ſhall have a Summons from the Clerk of theSuperiour Court, unto the adverſe party, to be Served upon him ſeven days incluſive before the Courts ſitting, requiring him to appear at the firſt Superiour Court, to anſwer the ſaid Appeal; where the ſame ſhall be heard and tryed according to former Uſage upon the firſt Evidence and no other: And the Judgment to be affirmed or reverſed as the Caſe ſhall there be Judged upon Tryal. And if the Appellant neglect to appear, or proſecute his Appeal, the former Judgment ſhall be affirmed, and Execution awarded accordingly.

And it is further Enacted by the Authority aforeſaid, That where Judgment has paſſed in any County Court, or Court of Commiſſioners, and Execution has not been taken out and levied for ſatisfying of the ſame; the Party for whom any Judgment was ſo given, his Executors or Adminiſtrators ſhall have a Writ of *Scire Facias* from the Clerk of the Inferiour Court of Pleas within the ſame County, in which ſuch Judgment was ob-

tained, unto the adverſe party to appear before ſaid Court, to ſhew cauſe (if any there be) why Execution ſhould not iſſue forth. And in caſe of Non-appearance, or that ſufficient cauſe be not ſhewn to the Court, the former Judgment ſhall be affirmed, and Execution granted accordingly, the Coſts of this Tryal to be added unto the ſame. *Provided* that the ſaid Writ of *Scire Facias* be Served ſeven days incluſive before the Courts ſitting.

No Execution after one year expired, to be granted without a *ſcire facias.*

And be it further Enacted, by the Authority aforeſaid, That after one year expired next after giving Judgment in any Court of Record within this Province, no Execution for ſuch Judgment ſhall be Iſſued out, until a Writ of *Scire Facias* hath been granted out of the ſame Court, and Served upon the adverſe party, as is before directed, or left by the Sheriff, his Under-Sheriff or Deputy, at his Dwelling, or place of uſual and laſt Abode, requiring him to appear and ſhew cauſe *(* if any he have *)* why Execution ought not to be done. And upon his Non-appearance, or not ſhewing of ſufficient cauſe as aforeſaid; the Court ſhall thereupon award Execution.

An Act for Regulating the Aſſize of Caſk, and preventing Deceit in Packing of Fiſh, Beef, and Pork for Sale.

BE it Ordained and Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That from and after the firſt Day of *December* next, all ſorts and kinds of Thight Caſk uſed for any Liquor, Fiſh, Beef, Pork or any other Commodities, within this Their Majeſties Province, ſhall be of *London* Aſſize. *That is to ſay,* Butts to contain One Hundred and Twenty Six Gallons, Puncheons Eighty Four Gallons, Hogſheads Sixty Three Gallons, Tearſes Forty Two Gallons, Barrels Thirty One Gallons and an half; And made of ſound well ſeaſoned Timber, and free of Sap. And that fit perſons be appointed, from time to time, in all places needful, to View and Gage all ſuch Caſk; and ſuch as ſhall be found of due Aſſize, ſhall be Marked with the Gagers Mark, who ſhall have for his Pains, *Four Pence per* Ton: And every Cooper ſhall ſet his diſtinct Brand Mark on his own Caſk; on Penalty of *Forty Shillings.* And whoſoever ſhall put to Sale any New Caſk, being defective, either in Workmanſhip, Timber or Aſſize, as aforeſaid; upon proof thereof, made before one Juſtice of the Peace, he ſhall forfeit ſuch Caſk, and be Fined the Sum of *Ten Shillings.*

Aſſize of Caſk.

Gagers to be appointed. Caſk to be markt by the Gager & his Fee.

Every Cooper to have a diſtinct brand mark.

Defective Caſk to be Forfeited.

And be it further Enacted by the Authority aforeſaid, That the Juſtices of the Peace, at their Firſt General Quarter Seſſions, to be holden in each Reſpective County, within this Province; ſhall Yearly, in every Town needful thereof, Chooſe and Appoint a fit perſon or perſons, to be Gagers and Packers, and them to Swear to the due Execution of their Office; which if any perſon ſo Appointed, ſhall refuſe, he ſhall pay theSum of *Forty Shillings,* & another ſhall be Choſen & Appointed in his ſtead. And every Gager & Packer ſhall take care that all Caſk in which he Packs Beef, Pork, Mackarel, Fiſh, or other Goods committed to his care, be of true and full Aſſize, and that he Pack the ſame in no other Caſk whatſoever, on penalty of *Ten Shillings* for every Caſk by him Packed, that is or ſhall be defective in that Reſpect. And if any of the before mentioned Proviſions ſhall be Packed into Half Barrels, or Firkins, the ſame ſhall be made in Proportion to the Aſſize aforeſaid; and be marked by the Packer.

Quarter Seſſions to appoint gagers and packers and ſwear them. Penalty of Refuſal. TenShillings penalty for packing in any Caſk under Aſſize.

And

And for the preventing of Fraud and Deceit in the Packing of Pickled Fiſh, Beef and Pork to be put to Sale.

Be it further Enacted by the Authority aforeſaid, That in every Town, where ſuch Goods are Packt up for Sale, the Gager or Packer of ſuch Town, or of the Town wherein they are put to Sale, or Shipped, ſhall ſee that it be well and orderly performed, *That is to ſay*, Beef and Pork the whole half and quarter, and ſo proportionably, that the beſt be not left out, and ſo Fiſh and Mackarel, that they be Packed all of one kind; and that all Casks ſo packed be full, and the Fiſh ſound and well ſeaſoned, ſetting his Seal on all Cask ſo packed, and he ſhall receive of the owners for ſo Packing, and Sealing, *Four Shillings per* Ton. And if any ſuch Proviſions be put to Sale, or Shipped off without the Packers mark, they ſhall be forfeited.

The whole half & quarter of meat to be put up and not the beſt left out. Fiſh to be all of one kind.

Four Shillings *per* Ton for packing and Sealing

And it is further Enacted, That all ſorts of green or pickled Fiſh, Sturgeon, or Fleſh that ſhall be put up for Tranſportation to a forreign Market, ſhall be ſearched, ſurveyed and approved by a Sworn Packer, who ſhall take ſtrict care that the ſame be put up in Thight Cask of full Gage, Salted with ſuitable Salt. And ſuch as ſhall be ſo ſaved, and for its condition found Merchantable, and full, the Packer ſhall Seal with ſuch Brand Mark, as ſhall be aſſigned to the Town, and ſuch other Cut-Mark added, as may denote the ſort of Proviſion, and time when Packed. And all ſuch other Proviſion as the Packer ſhall find wholſome and uſeful, though for its quality it be not Merchantable; he ſhall cauſe to be well Packed, Salted, Filled, and Sealed with the Letter R. and ſuch other Letters as may ſignifie the Town, Specie, and time of Packing. And if any Maſter of a Ship, or other Veſſel, or any Officers, or Mariners, belonging thereto ſhall receive ſuch Proviſions not Marked and Sealed as aforeſaid, aboard any of their Ships or Veſſels, he or they who ſhall offend therein, ſhall forfeit double the value of all ſuch Proviſions; and he that owns the Proviſions, ſhall forfeit the ſame. And if any Cooper, or other Perſon ſhall Shift any Fiſh or Fleſh, either on Board, or on Shore, after the ſame hath been ſo Sealed and Marked by the Packer, and Ship and Export the ſame, the Packer having not allowed thereof, and a new Sealed and Marked the Cask whereinto ſuch Proviſions are Shifted: All Perſons acting, ordering or aſſiſting therein, ſhall be ſet in the Pillory, not exceeding one hour, and ſhall likewiſe pay double Damages to perſons wronged thereby.

Fiſh and Fleſh for Tranſportation to be Searched & Repacked by the Packer.

Penalty on Maſters and Mariners taking any Proviſions Aboard Unſealed.

Penalty for Shifting of Proviſions after Sealing.

And it is further Enacted by the Authority aforeſaid, That where any ſuch Proviſions have lain above three months under the Packers Mark, betwixt the Months of *May* and *October*, they ſhall again, upon Exportation or Sale, be viewed or ſearched by the Packer, *That is to ſay*, ſo many of them as may probably diſcover the condition of the whole; and if any be decayed or deceitfully dealt with, the Packer ſhall Cull and Repack the ſame, ſo as to diſtinguiſh and mark them for Merchantable, or refuſe, according to their condition. And if thoſe who Ship or Export any ſuch Proviſion, ſhall neglect or refuſe ſuch ſecond Search or Survey, the Packer is hereby Ordered and Impowred to deface his former Mark, and for ſo doing, ſhall be paid as if he had Repackt the ſame. And if the owner refuſe to ſatisfie the Packer, ſuch Packer ſhall have redreſs on complaint to any Juſtice of the Peace; who is hereby Impowred to compel the payment thereof by Diſtreſs.

Proviſions that have lain three months packt in the Summer to be Reviewed.

And it is further Enacted by the Authority aforeſaid, That all Tarr that ſhall be expoſed to Sale, within this Province, ſhall be in Barrels, half Barrels, and thirds of a Barrel of the Meaſure and Aſſize following; *That is to ſay*, the Barrel to contain Thirty Gallons, the half Barrel and third of a Barrel, of the ſame Gage proportionably, and in no other Cask whatſoever. And all Cask to be made of the ſame Aſſize, and Branded

Aſſize of Cask for Tarr.

by the Cooper as aforeſaid, on pain of Forfeiture of all ſuch Cask as are not of due Aſſize. And if any Tarr ſhall be expoſed to Sale in any Cask not branded as aforeſaid, the ſame ſhall be likewiſe Forfeited.

One half of the Fines & Forfeitures to be unto Their Majeſties, and the other half to the Informer.

And further it is Enacted by the Authority aforeſaid, That all Fines, Penalties and Forfeitures ariſing by force & virtue of this Act, ſhall be the one half to Their Majeſties, towards the Support of the Government of this Province; and the other half to him or them that ſhall Inform and Sue for the ſame in any of Their Majeſties Courts of Record within this Province.

Meaſurer of Salt, & Culler of Fiſh.

Be it further Enacted by the Authority aforeſaid, That there be a Meaſurer of Salt, and Culler of Fiſh in every Sea-port Town within this Province, to be appointed as aforeſaid, who being likewiſe Sworn for the faithful Diſcharge of that Office, ſhall Cull all Merchantable Fiſh, and Meaſure all Salt that ſhall be Imported and Sold out of any Ship or other Veſſel, and ſhall have *Three-half-pence* for every Hogſhead of Salt by him ſo Meaſured, to be paid, the one half by the Buyer, the other half by the Seller. And *One penny per* Quintal, for every Quintal of MerchantableFiſh by him Culled, to be paid, one half by the Buyer, and the other half by the Seller.

An Act for the Puniſhing of Criminal Offenders.

Curſing and Swearing.

Preſumption

Be it Enacted and Ordained by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That if any perſon or perſons ſhall prophanely Sware or Curſe in the hearing of any Juſtice of the Peace, or ſhall be thereof Convicted by the Oaths of two Witneſſes, or Confeſſion of the party, before any Juſtice or Juſtices of the Peace. Every ſuch Offender ſhall forfeit and pay unto the uſe of the Poor of the Town, where the Offence ſhall be Committed, the Sum of *Five Shillings*. And if the Offender be not able to pay the ſaid Sum, then to be ſet in the Stocks, not exceeding two hours. And if any perſon ſhall utter more profane Oaths or Curſes at the ſame time, and in hearing of the ſame perſon or perſons, he ſhall forfeit and pay to the uſe aforeſaid the Sum of *Twelve-pence* for every Oath or Curſe after the firſt; or be ſet in the Stocks three hours. *Provided* that every Offence againſt this Law ſhall be Complained of and proved as aforeſaid within thirty days next after the Offence committed.

Drunkenneſs

Further it is Enacted by the Authority aforeſaid, That every perſon Convicted of Drunkenneſs by view of any Juſtice of Peace; Confeſſion of the party, or Oaths of Two Witneſſes; ſuch perſon ſo Convicted, ſhall forfeit and pay unto the uſe of the Poor of the Town where ſuch Offence is Committed, the Sum of *Five Shillings* for every ſuch Offence: And if the Offender be unable to pay the ſaid Sum, to be ſet in the Stocks, not exceeding three hours; at the Diſcretion of the Juſtice or Juſtices, before whom the Conviction ſhall be. And upon a ſecond Conviction of Drunkenneſs, every ſuch Offender, over and above the penalty aforeſaid, ſhall be Bound with two Sureties in the Sum of *Ten Pounds* with Condition for the good Behaviour: And for want of ſuch Sureties, ſhall be ſent to the Common Goal, until he find the ſame. *Provided,* That no perſon ſhall be Impeached or Moleſted for any Offence againſt this Act, unleſs he ſhall be thereof Preſented, Indicted or Convicted within Six Months after the Offence Committed. And the Juſtice or Juſtices before whom Conviction

of

of any of the aforeſaid Offences ſhall be, are hereby Impowred and Authorized to Reſtrain or Commit the Offender, until the Fine Impoſed for ſuch Offence, be ſatisfied; or to cauſe the ſame to be Levied by Diſtreſs, and Sale of the Offenders Goods, by Warrant directed to the Conſtable; returning the Over-plus (if any be) All ſuch Fines to be Levied within one Week next after ſuch Conviction, and Delivered to the Select-men, or Overſeers of the Poor, for the Uſe of the Poor as aforeſaid.

It is further Enacted and Ordained by the Authority aforeſaid, That whoſoever ſhall Steal or Purloin any Money, Goods or Chattels, being thereof Convicted, by Confeſſion, or ſufficient Witneſs upon Oath: Every ſuch Offender, ſhall Forfeit treble the value of the Money, Goods or Chattels ſo Stollen or Purloined, unto the Owner or Owners thereof; and be further puniſhed, by Fine or Whipping; at the diſcretion of the Court or Juſtices, that have Cognizance of ſuch Offence; not exceeding the Sum of *Five Pounds*, or Twenty Stripes. And if any ſuch Offender be unable to make Reſtitution, or pay ſuch Threefold Damages; ſuch Offender ſhall be Enjoyned to make Satisfaction by Service: And the Proſecutor ſhall be, and hereby is Impowred to diſpoſe of ſaid Offender in Service to any of Their Majeſties Subjects, for ſuch Term as ſhall be Aſſigned by the Court or Juſtices before whom the Proſecution was. And every Juſtice of Peace in the County where ſuch Offence is Committed, or where the Thief ſhall be Apprehended, is hereby Authorized to hear and determine all Offences againſt this Law. *Provided*, That the Damage exceed not the Sum of *Forty Shillings*. Theft.

And if any Perſon ſhall Commit Burglary, by Breaking up any Dwelling-Houſe, Ware-Houſe, Shop, Mill, Malt-houſe, Barn, Out Houſe, or any Ship or other Veſſel lying within the Body of the County, or ſhall Rob any Perſon in the Field or High ways: Every Perſon ſo Offending, ſhall upon Conviction, be Branded on the Forehead with the Letter B. and upon a ſecond Conviction, ſhall be Set upon the Gallows for the ſpace of one Hour, with a Rope about his Neck, and one end thereof caſt over the Gallows; and be ſeverely Whipt, not exceeding Thirty Nine Stripes: And upon a Third Conviction of the like Offence, ſhall ſuffer the pains of Death, as being Incorrigible; and ſhall likewiſe upon the Firſt and Second Convictions, pay treble Damages to the Party Injured, as is provided in caſe of Theft. Burglary. & Robery.

And it is further Enacted by the Authority aforeſaid, That if any man Commit Fornication with any ſingle Woman; upon due Conviction thereof, they ſhall be Fined unto Their Majeſties, not exceeding the Sum of *Five Pounds*; or be Corporally puniſhed by Whipping, not exceeding Ten Stripes a piece, at the diſcretion of the Seſſions of the Peace, who ſhall have Cogniz ance of the Offence. And he that is Accuſed by any Woman, to be the Father of a Baſtard Child Begotten of her Body; ſhe continuing conſtant in ſuch Accuſation, being Examined upon Oath, and put upon the Diſcovery of the Truth in the Time of her Travail; ſhall be adjudged the Reputed Father of ſuch Child, notwithſtanding his Denial; and ſtand charged with the Maintenance thereof, with the Aſſiſtance of the Mother; as the Juſtices in the Quarter Seſſions ſhall Order; and give Security to perform the ſaid Order, and to ſave the Town or Place where ſuch Child is Born, free from Charge for its Maintenance; and may be Committed to Priſon, until he find Sureties for the ſame: Unleſs the Pleas and Proofs made and produced on the behalf of the man accuſed, and other circumſtances be ſuch as the Juſtices ſhall ſee reaſon to judge him innocent, and acquit him thereof, and otherwiſe diſpoſe of the Child. And every Juſtice of the Peace upon his Diſcretion, may bind to the next Quarter Seſſions, him that is Charged or Suſpected, to have Begotten a Baſtard Child: and if the Woman be not then Delivered, the Seſſions may Order the continuance or Renewal Fornication. Reputed Father of a Baſtard.

of his Bond, that he may be forth coming when the Child is Born

Power of the Justice of Peace.

Further it is Enacted by the Authority aforesaid, That every Justice of the Peace in the County where the Offence is Committed, may cause to be Staid and Arrested all Affrayers, Rioters, Disturbers or Breakers of the Peace, and such as shall ride, or go armed offensively before any of Their Majesties Justices, or other Their Officers or Ministers doing their Office, or elsewhere, by Night or by Day, in fear or affray of Their Majesties Liege People; and such others as shall utter any Menaces or Threatning Speeches: And upon view of such Justice or Justices, confession of the party, or other Legal Conviction of any such Offence, shall Commit the Offender to Prison, until he find Sureties for the Peace and good Behaviour; and seiz and take away his Armour or Weapons, and shall cause them to be apprized and answered to the King as forfeited: And may further punish the Breach of the Peace in any person that shall smite or strike another, by Fine to the King, not exceeding *Twenty Shillings*; and require Bond with Sureties for the Peace; or Bind the Offender over to answer it at the next Sessions of the Peace, as the nature or circumstance of the Offence may be; and may make enquiry of forcible entry and detainer, and cause the same to be removed; and make out Hue and Cries after Runaway Servants, Thiefs and other Criminals.

Breach of the Peace. Forcible Entry and detainer.

Lying and Libelling

And it is further Enacted, by the Authority aforesaid, That if any person or persons of the Age of Discretion (which is accounted fourteen years, or upwards) shall wittingly and willingly make or publish any Lye or Libel, tending to the defamation or damage of any particular person; make or spread any false News or Reports, with intent to abuse and deceive others: Every such person or persons offending in any of the particulars before-mentioned, and being duly convicted thereof, before one or more Justices of the Peace, shall be Fined according to the degree of such Offence; not exceeding the Sum of *Twenty Shillings* for the first conviction, and find Sureties for the good Behaviour. And if the Party be unable to pay the said Fine, then to be set in the Stocks, not exceeding three hours; or be corporally punished by Whipping, at the discretion of the Justice or Justices, before whom the Conviction shall be; according as the circumstances or nature of the Offence shall be. And the said Justice or Justices may restrain and commit the Offender, until he pay the said Fine, and find Sureties for the good Behaviour; or may cause the fine to be Levied by Distress and Sale of the Offenders Goods. And the Party or Parties grieved or injured by reason of any of the Offences aforesaid; shall or may take his or their Suit against any such Offender or Offenders in any Court of Record

Forgery.

It is further Enacted by the Authority aforesaid, That if any person or persons upon his or their own Head or Imagination, or by false Conspiracy and Fraud with others, shall wittingly, subtilly and falsely forge or make; or subtilly cause, or wittingly assent to be forged or made any false deed, conveyance or writing Sealed, or the Will of any person or persons in Writing to the intent that the State of Freehold or Inheritance, Right, Title or Interest of any person or persons of, in, or to any Lands, Tenements or Hereditaments shall or may be molested, troubled, defeated, recovered or charged; or shall as is aforesaid, forge, make, or cause, or assent to be made, or forged, any Obligation, or Bill Obligatory, Letter of Attorney, or any Acquittance, Release, or other Discharge of any Debt, Accompt, Action, Suit, Demand, or other thing personal; Or if any person or persons shall Pronounce, Publish, or shew forth in evidence, any such false and forged Deed, Conveyance, Writing, Obligation, Bill Obligatory, Letter of Attorney, Acquittance, Release or Discharge, as true, knowing the same to be

false

falſe and forged as is aforeſaid, to the intent above remembred; and ſhall be thereof convicted, either upon action or actions of Forger of falſe Deeds to be founded upon this Act at the Suit of the party grieved, or otherwiſe according to the order and due courſe of Law, or upon Bill or Information. That then every ſuch Offender ſhall pay unto the party grieved his double coſts and damages, to be found and aſſeſſed in ſuch Court where the ſaid Conviction ſhall be; and alſo ſhall be ſet upon the Pillory in ſome Market Town, or other open place, and there to have one of his ears. cut off; and alſo ſhall have and ſuffer Impriſonment by the ſpace of one whole year, without bail or mainprize. And the Party or Parties grieved by reaſon of any of the Offences aforeſaid, may take his or their Suit againſt any ſuch Offender or Offenders, in any Court of Record; where no Eſſoign, Injunction or Protection ſhall be allowed the party defendant.

Provided always, and it is Enacted by the Authority aforeſaid, That this Act or any thing therein contained, ſhall not extend to charge any Judge of Probate, or Regiſter, with any the offences aforeſaid, for putting their Seal of Office to any Will to be exhibited unto them, not knowing the ſame to be falſe or forged, for writing of the ſaid Will or Probate of the ſame. Nor to any other perſon or perſons that ſhall ſhew forth or give in Evidence any falſe or forged writing for true or good, being not party or privy to the forging of the ſame, nor knowing the ſame to be falſe or forged, any thing in this Act to the contrary notwithſtanding.

And it is further Enacted and Ordained by the Authority aforeſaid, If any perſon or perſons, either by the ſubornation, unlawful procurement, reward, ſiniſter perſwaſion, or means of any other; or by their own act, conſent or agreement, ſhall wilfully and corruptly commit any manner of wilful Perjury, by his or their depoſition in any Court of Record, or being examined, *Ad perpetuam rei memoriam,* That then every perſon and perſons ſo offending, and being thereof duly convict, or attainted by Law, ſhall for his or their offence, loſe and forfeit *Twenty Pounds*; the one Moiety thereof, unto Their Majeſties, and the other Moiety to ſuch perſon or perſons as ſhall be grieved, hindred or moleſted by reaſon of any ſuch offence, that ſhall ſue for the ſame by Action of Debt, Bill, Plaint, Information, or otherwiſe in any Court of Record; in the which no Wager of Law, Eſſoign, Protection, or Injunction to be allowed: And alſo to have Impriſonment by the ſpace of ſix months, without bail or mainprize. And the Oath of ſuch perſon or perſons ſo offending, not to be received in any Court of Record, until ſuch time as the Judgment given againſt the ſaid perſon or perſons, ſhall be reverſed by attaint or otherwiſe; and upon every ſuch reverſal, the parties agrieved to recover his or their damages againſt all and every ſuch perſon and perſons, as did procure the ſaid Judgment, ſo reverſed, to be given againſt them or any of them, by Action or Actions, upon his or their caſe or caſes; according to the courſe of the common Law. Wilful Perjury.

And if it happen the ſaid Offender or Offenders, ſo offending, not to have any Goods or Chattels, to the value of *Twenty Pounds*, that then he or they be ſet on the Pillory by the ſpace of one whole hour, in ſome Market Town where the offence was committed, or next adjoyning to the place where the Offence was Committed, and to have both his Ears nailed; and from thenceforth to be diſcredited and diſabled for ever to be ſworn in any Court of Record, until ſuch time as the Judgment ſhall be reverſed.

And all & every perſon & perſons who ſhall unlawfully & corruptly procure any Witneſs or Witneſſes, by Letters, Rewards, Promiſes, or by any other ſiniſter and unlawful labour or means whatſoever; to commit any wilful and corrupt Perjury, in any matter or cauſe whatſoever depending, or that ſhall depend in ſuit and variance by any Writ, Action, Bill, Complaint or Information in any Court of Record; or to teſtifie *in perpetuam rei memoriam:* Every ſuch Offender

Offender, being thereof duely convict or attainted by Law, ſhall for his or their offence be proceeded againſt, and ſuffer the like pains, penalties, forfeitures, and diſability in all reſpects as above-mentioned.

See Additional Act about Criminal Offences, page

And it is further Enacted by the Authority aforeſaid, That all the aforeſaid Forfeitures and Sums of Money ariſing for any offence mentioned in this Act, and every Branch thereof, and not otherwiſe diſpoſed of; ſhall be unto Their Majeſties, for and towards the Support of the Government of this Province, and the Incident Charges thereof.

An Act for the Suppreſſing of Unlicenſed Houſes, and the due Regulation of ſuch as are, or ſhall be Licenſed.

BE it Ordained and Enacted by the Governour, Council and Repreſentatives Convened in General Court, and by the Authority of the ſame, That no perſon or perſons whatſoever (other than ſuch as upon producing Certificate from the Select men of the Town where they dwell, or who ſhall be otherwiſe thought fit by the Juſtices themſelves, ſhall be Licenſed by the ſaid Juſtices in Quarter Seſſions) may preſume to be a common Victualler, Inn-holder, Taverner, or Seller of Wine, Beer, Ale, Cyder or ſtrong Liquors by Retail: Nor ſhall any preſume without ſuch Licence, to Sell Wine or ſtrong Liquors privately by a leſs quantity than a Quarter Cask, and that delivered and carried away all at one time: On pain of forfeiting the Sum of *Forty Shillings* for every ſuch offence upon due Conviction thereof; one half thereof to the Informer, and the other half to the uſe of the poor of the Town where ſuch Offence is committed. And upon a ſecond Conviction, beſides the forfeiture of *Forty Shillings* as aforeſaid, ſhall enter into Recognizance with one or more Sureties for the good Behaviour, eſpecially not to tranſgreſs the Law in that reſpect.

None to keep a houſe of common Entertainment, or Sell ſtrong Drink publickly or privately without Licence on penalty of *Forty Shillings*. One half to the Informer and the other to the uſe of the poor. Upon ſecond conviction, to give bond for the good behaviour.

Be it further Enacted by the Authority aforeſaid, That all Licences be Renewed yearly, and Bond given for the due Obſervance of the ſame, and of the Laws, and that the perſon Licenced, ſhall uſe his Licence in ſuch Houſe as ſhall be therein named, and no other.

Licences to be renewed yearly and bond given.

And if the Juſtices in Quarter Seſſions ſhall think fit to Licence any perſon or perſons not preſenting a Certificate as aforeſaid from the Select-men, the Clerk of the Seſſions, before granting Licence to any ſuch, ſhall ſignifie the name and deſire of every ſuch perſon unto the Select-men of the Town where ſuch perſon dwells, one month before-hand, that ſo they may have opportunity and liberty to offer their Objections againſt it, if any ſuch be.

Juſtices may grant Licenſe without Certificate of the Select-men upon notice given.

And foraſmuch as the ancient, true and principal uſe of Inns, Taverns, Ale Houſes, Victualling Houſes, and other Houſes for common Entertainment is for Receipt, Relief and Lodging of Travellers and Strangers, and the Refreſhment of perſons upon lawful Buſineſs; or for the neceſſary ſupply of the wants of ſuch poor perſons as are not able by greater quantities to make their proviſion of Victuals, and are not intended for Entertainment and Harbouring of lewd or idle people to ſpend or conſume their Money or time there: *Therefore to prevent the Miſchiefs and great Diſorders happening daily by the abuſe of ſuch Houſes.*

It is further Enacted by the Authority aforeſaid, That no Taverner, Inn-keeper, Ale-houſe keeper or Victualler, ſhall have or keep in or about their Houſes, Out-Houſes, Yards, Backſides, Gardens or Places to them belonging,

ing, any Dice, Cards, Tables, Bowls, Shuffle-board, Billiards, Coyts, Cales, Logats, or any other Implements uſed in Gaming; nor ſhall ſuffer any perſon or perſons reſorting unto any of their Houſes, to uſe or exerciſe any of the ſaid Games, or any other unlawful Game or Sport within their ſaid Houſes, or any of the Dependences as aforeſaid, or places to them belonging; on pain of forfeiting the Sum of *Forty Shillings* for every ſuch Offence, upon due conviction thereof; the ſaid Fine to be diſpoſed of as aforeſaid. And every perſon convicted of Playing as aforeſaid in any ſuch Houſe or Dependences thereof, ſhall forfeit the Sum of *Six Shillings* and *Eight-pence*, to be diſpoſed of as aforeſaid.

Games and Gaming forbidden in Publick-houſes, on pain of 40 *s.*

Penalty on Gameſters.

Penalty for refuſing to give Evidence againſt perſons Selling without Licence.

And further it is Enacted by the Authority aforeſaid, That any perſon duly Summoned to give in Evidence reſpecting the Breach of this Act, in any of the Branches thereof, (other than the party himſelf, his Children or Servants) that ſhall refuſe to give in upon his Oath, when ſo required, what he knows relating to the Premiſes, ſhall forfeit *Forty Shillings* to the uſe of the Poor of the Town as aforeſaid.

One Juſtice may hear and determine all Offences againſt this Act.

See Act for the better diſcovery &c. of unlicenſed houſes page

And it is further Enacted by the Authority aforeſaid, That every Juſtice of the Peace in the County where he dwells, as well as the Juſtices in Quarter Seſſions, are hereby reſpectively Impowred to hear and determine all Offences againſt this Act, and may commit the Offender to Priſon, until he pay the ſaid fine, and enter into Recognizance as aforeſaid for the good Behaviour; or may cauſe the fine to be Levied by Diſtreſs and Sale of the Offenders Goods, returning the Overplus, if any be.

Act for ſuppreſſing of drunkenneſs page

And Act for the Inſpecting and Suppreſſing diſorders in Licenſed houſes page

An Act for the better Obſervation and Keeping the Lords-Day.

BE it Enacted and Ordained by the Governour, Council and Repreſentatives Convened in General Court or Aſſembly, and it is Enacted by the Authority of the ſame, That all and every perſon and perſons whatſoever, ſhall on that Day carefully apply themſelves to Duties of Religion and Piety, publickly and privately; and that no Tradeſman, Artificer, Labourer or other perſon whatſoever, ſhall upon the Land or Water, do or exerciſe any Labour, Buſineſs, or Work of their ordinary Callings; nor uſe any Game, Sport, Play or Recreation on the Lords-Day, or any part thereof; (works of neceſſity and charity only excepted) upon pain that every perſon ſo offending ſhall forfeit *Five Shillings.*

Labour and Sports Prohibited on penalty of 5 *s.*

Further it is Ordered and Declared, That no Traveller, Drover, Horſe-Courſer, Waggoner, Butcher, Higler, or any their Servants, ſhall Travel on that Day, or any part thereof, except by ſome adverſity they were belated and forced to lodge in the Woods, Wilderneſs or High ways, the night before; and in ſuch caſe, to Travel no further than the next Inn or place of ſhelter, on that Day; upon the penalty of *Twenty Shillings.*

Travelling prohibited on penalty of 20 *s.*

Further it is Ordered, That no Vintner, Inn holder, or other perſon keeping any Publick houſe of Entertainment, ſhall entertain or ſuffer any of the Inhabitants of the reſpective Towns where they dwell, or others not being Strangers, or Lodgers in ſuch Houſes, to abide or remain in their Houſes, Yards, Orchards, or Fields drinking, or idly ſpending their time on *Saturday* night after the Sun is ſet, or on the Lords-Day, or the Evening following; upon the pain and penalty of *Five Shillings* for every perſon, payable by

Publick houſes not to entertain any others than Strangers and Lodgers on penalty of 5 *s.* for every perſon.

themſelves reſpectively that ſhall be found ſo drinking or abiding in any ſuch Publick Houſe or Dependences thereof as aforeſaid; and the like Sum of *Five Shillings* to be paid by the Keeper of ſuch Houſe, for every perſon Entertained by them.

One Juſtice of the Peace may hear & determine any breach of this Act.

And for the better Execution of all and every the foregoing Orders, every Juſtice of the Peace within his County ſhall have power and authority to Convent before him, any perſon or perſons, who ſhall offend in any of the particulars before-mentioned, and upon his own view, or other legal conviction of any ſuch offence, to impoſe the fine and penalty for the ſame, and to reſtrain or commit the Offender until it be ſatisfied; or to cauſe the ſame to be levied by diſtreſs and ſale of the Offenders Goods, returning the Overplus (if any be) and in caſe any ſuch Offender be unable or refuſe to ſatisfie ſuch fine, to cauſe him to be put in the Cage, or ſet in the Stocks, not exceeding three hours: All fines and penalties accruing by this Act, to be to the benefit and relief of the Poor of ſuch Town where the Offence is committed; and delivered into the hands of the Select-men, or Overſeers of the poor for that end.

Fines for breach of this Act to be to the uſe of the poor.

And all Maſters and Governours of Families are hereby required to take effectual care that their Children, Servants and others under their immediate Government, do not tranſgreſs in any of the foregoing particulars.

Juſtices, Conſtables, &c. required to ſee that this Act be obſerved.

And all and every Juſtices of the Peace, Conſtables and Tything-men are required to take effectual care, and endeavour that this Act in all the particulars thereof be duly obſerved; as alſo to reſtrain all perſons from Swimming in the water, unneceſſary and unſeaſonable walking in the Streets or Fields in the Town of *Boſton*, or other places, keeping open their Shops, or following their ſecular Occaſions or Recreations in the Evening preceeding the Lords Day, or on any part of the ſaid Day or Evening following.

And all perſons are ſtrictly required to be obedient to, and aiding and aſſiſting ſuch Juſtices, Conſtables and other Officers herein, as they will anſwer the contrary at their peril.

An Act for prevention of common Nuſances ariſing by Slaughter-Houſes, Still-Houſes, &c. Tallow Chandlers, and Curriers.

BE it Ordained and Enacted by the Governour, Council and Repreſentatives Convened in General Court or Aſſembly, and by the Authority of the ſame, That the Select men of the Towns of *Boſton*, *Salem* and *Charlſtown* reſpectively, or other Market Towns in the Province, with two or more Juſtices of the Peace dwelling in the Town, or two of the next Juſtices in the County, ſhall at or before the laſt day of *March*, One Thouſand ſix Hundred Ninety Three, Aſſign ſome certain places in each of ſaid Towns (where it may be leaſt offenſive) for the Erecting or Setting up of Slaughter-Houſes, for the killing of all Meat: Still-Houſes, and Houſes for trying of Tallow, and currying of Leather, (which Houſes may be Erected of Timber, the Law referring to Building with Brick or Stone notwithſtanding) And ſhall cauſe an Entry to be made in the Town Book, of what places ſhall be by them ſo Aſſigned, and make known the ſame by poſting it up in ſome publick places of the Town. At which Houſes and places reſpectively, and no other, all Butchers and Slaughter-men, Diſtillers, Chandlers and Curriers, ſhall exerciſe and practice their reſpective Trades and Myſteries; on pain that any Butcher or Slaughter-man tranſgreſſing

Slaughter Houſes, Still-Houſes, &c. to be in certain places aſſigned, and no other.

ſing of this Act by killing of Meat in any other place, for every Conviction thereof, before one or more Juſtices of the Peace, ſhall forfeit and pay the Sum of *Twenty Shillings*. And any Diſtiller, Chandler or Currier offending againſt this Act, for every Conviction thereof before Their Majeſties Juſtices at the General Seſſions of the Peace for the County, ſhall forfeit and pay the Sum of *Five Pounds*; one third part of ſaid forfeitures to be to the uſe of Their Majeſties, for the Support of the Government of the Province, and the incident Charges thereof; one third to the Poor of the Town, where ſuch Offence ſhall be committed; and the other third to him or them that ſhall Inform and Sue for the ſame.

And for preventing of Cruelty to Bruit Creatures.

Cruelty to bruit Creatures forbidden.

It is further Enacted by the Authority aforeſaid, That all Calves, Sheep or Lambs brought alive to the Market, ſhall be either driven or carried in Carts, Sleds, Panyers or Boats, and not otherwiſe; on pain of forfeiting of all Calves, Sheep or Lambs paſſing towards, or brought alive to the Market, laid acroſs, or hanging by the ſides of Horſes, (as has been uſual) or in any other way contrary to the true intent of this Act: one half of all ſuch forfeitures to be unto the Informers, who ſhall ſeize and proſecute for the ſame; and the other Moiety to the uſe of the poor of the Town, where ſuch ſeizure ſhall be made, to be diſtributed by the Select-men or Overſeers of the Poor.

Select-men, Conſtables, *&c.* Impowred to ſeiz.

And all Select-men, Overſeers of the Poor, Conſtables, Tything men and other Officers in any Town upon their own view, or information of any tranſgreſſion of this Act within their reſpective Precincts, ſhall and hereby are Impowred to ſeize or cauſe to be ſeized all Calves, Sheep or Lambs that ſhall be carried or brought alive to the Market, in any other way than is before directed. And upon due proof thereof, made before one or more Juſtices of the Peace, ſhall be forfeited, and the ſame or the value thereof be diſpoſed of as aforeſaid.

Fleſh blown or winded to be forfeited.

See Additional Act page

And all Veal or other Meat expoſed to Sale, that ſhall be blown up or winded, ſhall be alike forfeited and diſpoſed of.

An Act for the orderly conſummating of Marriages.

Be it Ordained and Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That every Juſtice of the Peace within the County where he reſides, and every ſetled Miniſter in any Town, ſhall, and are hereby reſpectively Impowred and Authorized to Solemnize Marriages, within their reſpective Towns and Counties, betwixt perſons that may lawfully enter into ſuch Relation, having the conſent of thoſe whoſe immediate care and Government they are under, and being likewiſe firſt Publiſhed by asking their Banns at three ſeveral Publick Meetings in both the Towns where ſuch parties reſpectively dwell; or by poſting up their names and intentions at ſome publick place in each of the ſaid Towns, fairly written, there to ſtand by the ſpace of fourteen days, and producing Certificate of ſuch Publiſhment under the Hand of the Town-Clerk or Conſtable of ſuch Towns reſpectively.

Juſtices or Miniſters reſpectively to Solemnize Marriages.

Publiſhment how to be made.

And the Fee to be paid for every Marriage, ſhall be *Three Shillings*; and for Publiſhment and Certificate thereof, *One Shilling*.

Fee for Marriage, *&c.*

And be it further Enacted, That whoever ſhall preſume to deface or pull

Penalty for pulling down publiſhments

down any ſuch Publiſhment, poſted up in writing, before the expiration of the time, ſhall be fined to the uſe of the Poor of the Town, the Sum of *Ten Shillings*, being Convicted thereof, before one or more Juſtices of the Peace: And if the party be unable to pay the ſaid fine, then to be ſet in the Stocks one whole Hour.

Marriages to be Regiſtred.

And every Juſtice and Miniſter ſhall keep a particular Regiſter of all Marriages Solemnized before any of them, and make a Return thereof at the end of each Quarter of a year unto the Clerk of the Seſſions of the Peace within the ſame County, to be by him Regiſtred; who is hereby Impowred thereto, and ſhall be paid by every ſuch Juſtice and Miniſter, *Three-pence* for each Marriage ſo returned.

See Act to prevent Inceſtuous Marriages page

Divorce.

And it is further Enacted by the Authority aforeſaid, That all Controverſies concerning Marriage and Divorce ſhall be heard and determined by the Governour and Council.

An Act for the Settlement and Support of Miniſters and School-Maſters.

Be it Ordained and Enacted by the Governour, Council and Repreſentatives, Convened in General Court or Aſſembly, and by the Authority of the ſame, That the Inhabitants of each Town within this Province, ſhall take due care from time to time, to be conſtantly provided of an Able, Learned Orthodox Miniſter or Miniſters, of good Converſation, to Diſpenſe the Word of God to them; which Miniſter or Miniſters ſhall be ſuitably encouraged and ſufficiently ſupported and maintained by the Inhabitants of ſuch Town. And all Contracts, Agreements and Orders heretofore made, or that ſhall hereafter be made by the Inhabitants of any Town within this Province reſpecting their Miniſters or School-Maſters, as to their Settlement or Maintenance, ſhall remain good and valid according to the true intent thereof, the whole time for which they were or ſhall be made, in all the particulars thereof, and ſhall accordingly be purſued, put in Execution and Fulfilled. And where there is no Contract and Agreement made in any Town, reſpecting the ſupport and maintenance of the Miniſtry; or when the ſame happens to be expired, and the Inhabitants of ſuch Town ſhall neglect to make ſuitable proviſion therein; upon complaint thereof made unto the Quarter Seſſions of the Peace for the County where ſuch Town lies; the ſaid Court of Quarter Seſſions ſhall and hereby are Impowred to order a competent allowance unto ſuch Miniſter, according to the Eſtate and Ability of the Town: the ſame to be aſſeſſed upon the Inhabitants by Warrant from the Court, directed to the Select-men, who are thereupon to proceed to make and proportion ſuch Aſſeſſment in manner as is directed for other publick Charges, and to cauſe the ſame to be Levied by the Conſtables of ſuch Town, by Warrant under the Hands of the Select men; or of the Town-Clerk by their Order.

Contracts & Agreements to be made good.

Neglect of making ſuitable proviſion for Miniſters to be redreſſed by the Quarter Seſſions.

Be it further Enacted by the Authority aforeſaid, That where any Town ſhall be deſtitute of a Miniſter qualified as aforeſaid, and ſhall ſo continue by the ſpace of ſix months, not having taken due care for the procuring, ſetling and encouragement of ſuch Miniſter, the ſame being made to appear upon complaint unto Their Majeſties Juſtices at the General Seſſions of the Peace for the County, the ſaid Court of Quarter-Seſſions ſhall and hereby are Impowred to make an Order upon every ſuch defective Town, ſpeedily to provide themſelves of ſuch Miniſter as aforeſaid, by the next

The Court of Quarter Seſſions to take care that no Town be deſtitute of a Miniſter.

Seſſions

Seſſions at the furtheſt; and in caſe ſuch Order be not complied with, then the ſaid Court ſhall take effectual care to procure and Settle a Miniſter qualified as aforeſaid, and order the Charge thereof, and of ſuch Miniſters maintainance, to be Levied on the Inhabitants of ſuch Town.

And it is further Enacted by the Authority aforeſaid, That the reſpective Churches in the ſeveral Towns within this Province, ſhall at all times hereafter, uſe, exerciſe and enjoy all their Priviledges and Freedoms reſpecting Divine Worſhip, Church-Order and Diſcipline. And ſhall be encouraged in the peaceable and regular profeſſion and practice thereof. Churches to enjoy their priviledges & freedoms.

And further it is Enacted, That every Miniſter being a perſon of good Converſation, Able, Learned and Orthodox, that ſhall be Choſen by the major part of the Inhabitants in any Town, at a Town-Meeting duly warned for that purpoſe, (notice thereof being given to the Inhabitants fifteen days before the time for ſuch Meeting) ſhall be the Miniſter of ſuch Town; and the whole Town ſhall be obliged to pay towards his Settlement and Maintainance, each man his ſeveral proportion thereof. Repealed. See Explanatory Act, page

See Additional Act, page

And it is further Enacted by the Authority aforeſaid, That every Town within this Province, having the number of fifty Houſe holders or upwards, ſhall be conſtantly provided of a School-Maſter to teach Children and Youth to Read and Write. And where any Town or Towns have the number of one hundred Families or Houſholders, there ſhall alſo be a Grammar School ſet up in every ſuch Town, and ſome diſcreet perſon of good Converſation, well Inſtructed in the Tongues procured to keep ſuch School. Every ſuch School Maſter to be ſuitably encouraged and paid by the Inhabitants. School for Reading and Writing. Grammar School.

And the Select men and Inhabitants of ſuch Towns reſpectively, ſhall take effectual care, and make due proviſion for the ſettlement and maintenance of ſuch School Maſter and Maſters. School-Maſters to be ſupported.

And if any Town qualified as before expreſt, ſhall neglect the due obſervance of this Act, for the procuring and ſetling of any ſuch School-Maſter as aforeſaid, by the ſpace of one year. Every ſuch defective Town ſhall incur the penalty of *Ten Pounds* for every conviction of ſuch neglect, upon complaint made unto Their Majeſties Juſtices in Quarter Seſſions for the ſame County in which ſuch defective Town lieth; which penalty ſhall be toward the ſupport of ſuch School or Schools within the ſame County, where there may be moſt need, at the diſcretion of the Juſtices in Quarter Seſſions; to be levied by Warrant from the ſaid Court of Seſſions in proportion upon the Inhabitants of ſuch defective Town, as other publick Charges, and to be paid unto the County Treaſurer. Penalty for neglect.

An Act for the Settlement of the Bounds, & Defraying of the publick and neceſſary Charges ariſing within each reſpective County in this Province.

Be it Ordained and Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That all Counties as they now lye, and are named, continue and remain diſtinct Counties to all intents and purpoſes in the Law whatſoever. And that there be a County Treaſurer annually Choſen for each reſpective County, being a Freeholder within Counties to continue as formerly.

in the ſame; and to be Choſen by the Votes of the Freeholders, and other Inhabitants of each reſpective Town, duly qualified as is provided by the Act for the choice of Select-men, and other Town Officers; and at the ſame time, ſuch Votes to be given in Writing, and Sealed up by the Conſtable, by him to be kept and returned unto the next Quarter Seſſions, to be held for ſaid County, there to be opened and ſorted by ſuch as the Court ſhall appoint, in preſence of the Juſtices; and the perſon having the majority of ſaid Votes, ſhall be Treaſurer of ſuch County for that year, and be Sworn before ſaid Court.

Choice of County Treaſurer.

And for the due and equal Raiſing of Monies for Defraying of the Charges ariſing within each reſpective County, for the neceſſary repairs and amendment of Bridges, Priſons, the maintainance of poor Priſoners, and all other proper County Charges.

County Charges how to be defrayed.

It is further Enacted by the Authority aforeſaid, That when and ſo often from time to time as there ſhall be need of raiſing Money for the ends aforeſaid, in any County; the Juſtices in Quarter Seſſions for ſuch County, receiving Information thereof from the County Treaſurer, ſhall agree and determine the whole Sum to be raiſed, and each reſpective Towns proportion of the ſame, as near as may be according to the rule for raiſing of Mony for the Province Charges, and ſhall iſſue forth their Order unto the Select-men of the reſpective Towns to aſſeſs the ſame upon the Inhabitants of ſuch Town, each one his due and equal proportion thereof according to the Rule before-mentioned, as near as may be, to be paid in Money, or equivalent thereto; and to make a diſtinct Liſt of each perſons name and proportion, under their Hands; and ſuch Liſt commit unto the Conſtable or Conſtables of ſuch Town, with a Warrant ſigned by the Town Clerk, directed unto the ſaid Conſtable or Conſtables to levy and collect the ſaid aſſeſsment, of each one his reſpective proportion: And to pay in their ſaid Collections unto the County Treaſurer, or his Order, within the time ſet for the ſame: And to make diſtreſs upon every perſon neglecting or refuſing to make payment: And in default of Goods or Chattels whereon to make diſtreſs, to commit the party to the common Goal of the County, until he make payment, or otherwiſe be releaſed by the Juſtices in Quarter Seſſions. And if any perſon or perſons think themſelves over-rated in any ſuch aſſeſsment, they ſhall be eaſed by the Aſſeſſors, making the ſame to appear; or in default thereof, by the Court of Quarter Seſſions.

Money how to be applyed

Treaſurer to Accompt.

And further it is Enacted, That all Monies ſo Collected, be improved and imployed for the ends within mentioned, as the Court of Quarter Seſſions ſhall from time to time by their Order in writing, direct and appoint. And the County Treaſurer in each reſpective County, ſhall Accompt unto the Court of Quarter Seſſions, or whom they ſhall appoint, for all his Receipts and Payments.

Bounds of Townſhips to continue as heretofore granted and ſetled: And to be run, & marks renewed once in three years under a penalty.

An Act for Regulating of Townſhips, choice of Town-Officers, and ſetting forth their Power.

Be it Ordained and Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That the Bounds of all Townſhips ſhall be, & continue as heretofore granted and ſetled reſpectively, and ſhall be run betwixt Town and Town, and marks renewed once in three years, by two of the Select-men of each Town, or any other two perſons whom the Select-

Select-men ſhall Appoint; the Select-men of the moſt ancient Town to give notice unto the Select men of the next adjacent Towns, of the time and place of Meeting for ſuch Perambulation, ſix days before-hand, on pain of forfeiting *Five Pounds* by the Select-men of any Town, that ſhall neglect their Duty in any of the particulars aforeſaid: Two thirds thereof unto the uſe of the Poor of ſuch Town; and the other third unto the Select-men of any of the next adjacent Towns, that ſhall Inform and Sue for the ſame, in the Inferiour Court of Pleas within the ſame County, to be Recovered by Action or Information.

Proprietors of Lands unfenced or in common Fields to run the Lines once in two years.

And be it further Enacted by the Authority aforeſaid, That each Proprietor of Lands lying Unfenced, or in any common Field, ſhall once in two years, on ſix days warning before given him, by the next Proprietor or Proprietors adjoyning, run the Lines, make and keep up the Bounds between them, by ſufficient met Stones; on pain that every Party ſo neglecting or refuſing, ſhall forfeit the Sum of *Ten Shillings*: one half to the party moving, and the other half to the uſe of the Poor of the Town, being Convented and Convicted of ſuch Neglect or Refuſal, before any Juſtice of the Peace within the ſame County, who is hereby impowred to hear and determine the ſame.

Some more Lands, how to be improved.

And further it is Enacted by the Authority aforeſaid, That the Proprietors of the undivided or common Lands within each Town and Precinct in this Province, where the ſame have been heretofore ſtated, each ones proportion being known, ſhall, and hereby are Impowred to order, improve or divide in ſuch way and manner as ſhall be concluded and agreed upon by the major part of the Intereſted; the Voices to be collected and accounted according to the Intereſts. And the Proprietors of all undivided or common Lands not ſtated and proportioned as aforeſaid; ſhall, and hereby are Impowred to manage, improve, divide or diſpoſe of the ſame as hath been, or ſhall be concluded and agreed on by the major part of ſuch Proprietors. That no Cottage or Dwelling-place in any Town, ſhall be admitted to the priviledge of Commonage for Woods, Timber and Herbage, or any other the priviledges which lie in common in any Town, or peculiar, other than ſuch as were erected or priviledged by the Grant of ſuch Town or peculiar before the year *One Thouſand Six Hundred Sixty & One*, or that have been ſince, or ſhall hereafter be Granted by the conſent of any Town or Peculiar.

And whereas it has been a continued practice and cuſtome in the ſeveral Towns within this Province, annually to Chooſe Select-men or Townſmen, for the ordering and managing of the prudential affairs of ſuch Town, and other Town Officers for the Executing of other matters and things in the Laws appointed by them to be done and performed.

Qualification of Voters in Town-Meetings.

Select-men, Conſtables and other Town Officers to be annually Choſen in *March*

Town-Clerk to be under Oath.

Be it further Ordained and Enacted by the Authority aforeſaid, That the Freeholders and other Inhabitants of each Town Rateable at *Twenty Pounds Eſtate*, to one ſingle Rate beſides the Poll; ſhall ſome time in the Month of *March* annually meet and convene together upon notice given by the Conſtable or Conſtables of ſuch Town, or ſuch others as the Select men or Townſmen ſhall appoint, to give notice of ſuch Meeting, and the time and place for the ſame: And by the major Vote of ſuch Aſſembly, then and there ſhall Chooſe three, five, ſeven or nine perſons, able and diſcreet, of good Converſation, Inhabiting within ſuch Town, to be Select-men or Townſmen and Overſeers of the Poor, where other perſons ſhall not be particularly Choſen to that Office (which any Town may do as they ſhall find it neceſſary and convenient) as alſo to nominate and chooſe a Town-Clerk, who ſhall be Sworn truly to enter and record all Town-Votes, Orders, Grants and Diviſions of Land, made by ſuch Town, and Orders made by the Select men; a Commiſſioner for Aſſeſſments, Conſtables, Surveyers of Highways,

ways, Tything men, Fence viewers, Clerks of the Market, Sealers of Leather, and other ordinary Town Officers. And the Town Clerk, or two of the Select-men, shall forthwith make, and give out unto the Constable or Constables of such Town, a List of the Names of those that shall be then Chosen to the Office of Town-Clerk, Constables, Tything men, Clerks of the Market, Sealers of Leather, and other Officers, of whom an Oath is by Law required; which Constable or Constables within the space of six days at furthest, shall Summon each of them respectively to appear before the Quarter Sessions, if then sitting, or one of the next Justices of the Peace, to be Sworn to the faithful discharge of their respective Offices and Trust, on penalty of *Twenty Shillings* to the use of the poor of the Town, to be paid by each Constable neglecting of his Duty in that behalf, upon Conviction thereof before one Justice of the Peace; and upon non-payment, to be Levied by Distress; *Provided*, That no person in Commission for any Office, Civil or Military, Church Officer, or Member of the House of Representatives for the time being, nor any other who has served as Constable within the space of seven years before, shall be chosen to the Office of Constable.

See Additional Act page

Constables to Summon Town Officers to be Sworn under a penalty.

Persons exempted from Serving as Constables.

It is further Enacted by the Authority aforesaid, That the Freeholders and Inhabitants qualified as in this Act is mentioned in each respective Town, in any Town Meeting, orderly warned according to the Usage in such Town, or the major part so Assembled, or the Select-men having Instructions given them in writing by the Town for that purpose; be, and hereby are Impowred from time to time to make and agree upon such necessary Rules, Orders and By-Laws for the directing, managing and ordering the prudential Affairs of such Town, as they shall judge most conducing to the peace, welfare and good order thereof, and to annex Penalties for the observance of the same, not exceeding *Twenty Shillings* for one offence, provided that they be not repugnant to the general Laws of the Province: And such Orders and By-Laws being presented unto the Justices in Quarter-Sessions, and approved of by them, shall be established, and binding to all the Inhabitants of such Town, and the penalty for breach of any of them by any of the Inhabitants, to be Levied by Warrant of Distress from any Justice of the Peace before whom such Offender shall be Convicted, to the use of the Poor of such Town.

Towns or Select men having Instructions, to make orders & by-laws.

Orders & by-laws in Towns, to be approved by the quarter Sessions.

Penalty to be levied by warrant from a Justice.

And further it is Enacted by the Authority aforesaid, That the Select-men or Townsmen chosen as aforesaid, in each Town respectively, be, and hereby are Impowred to assess the Inhabitants and others Resident within such Town, and the Precincts thereof, and the Lands and Estates lying within the Bounds of such Town, in just and equal proportion as near as may be unto the County Charges, according as they shall receive order from the Court of Quarter-Sessions to be held for the same County; and to all Town Charges, each particular person according to his known Ability and Estate, such Sum and Sums as hath or shall be ordered, granted and agreed upon from time to time by the Inhabitants in any Town meeting regularly assembled; or the major part of those present at such Meeting, for the maintainance and support of the Ministry, Schools, the Poor, and for the defraying of other necessary Charges arising within the said Town, and thereof to make distinct and perfect Lists under their Hands, or the major part of them, setting down every persons name, and several proportion, and shall thereupon make out a Warrant to be signed by the said Assessors, or the Town-Clerk, by their Order (who are hereby respectively Impowred thereto) directed unto the Constable or Constables of the said Town, for the speedy Levying and Collecting of such Assessments, and to pay in the same unto the Select-men, or to such person as they shall appoint for Receiver, within the time thereby prefixt. And to make

Select-men to make Assessment for County and Town charges.

Assessors or Town Clerk to make out a warrant for levying the same.

Distress to be made on delinquents.

make Diſtreſs upon all ſuch who ſhall neglect or refuſe to make payment: And for want of Goods or Chattels whereon to make Diſtreſs, to ſeize the perſon and Commit him to the Common Goal of the County, there to remain until he pay the Sum upon him aſſeſſed as aforeſaid; unleſs the ſame or any part thereof, upon application made unto the Quarter Seſſions, ſhall be abated. And if any perſon think himſelf Over-rated, and make it ſo appear unto the Aſſeſſors, he ſhall be eaſed: And if they refuſe, ſuch perſon agrieved may make his application unto the Juſtices in Quarter Seſſions, who are hereby Impowred to rectifie the ſame: And all Conſtables having any ſuch Aſſeſsment committed unto them, ſhall ſettle and iſſue their Accompts thereof with the Select-men, or Receiver appointed by them, within three months after their time or year is expired, on pain of forfeiting the Sum of *Twenty Shillings per* Month, for each Months neglect afterward, to the uſe of the Poor of ſuch Town, and to be Levied by Diſtreſs upon ſuch Delinquent Conſtables Goods, by Warrant from one Juſtice of the Peace, being Convented and Convicted of ſuch neglect before him, who is hereby thereto Impowred.

Perſons over-rated to be eaſed.

Conſtables to ſettle & iſſue their accompts within 3 months after the expiration of their year.

Provided nevertheleſs, that every Conſtable at the end of every three months ſhall pay in as foreſaid, ſo much as he ſhall have Collected within that time.

See Act Relating to Town Aſſeſsments page

And it is further Enacted by the Authority aforeſaid, That the Select-men or Overſeers of the Poor in each Town (where there are ſuch Choſen, and ſpecially Appointed for that Service) are hereby Impowred and Ordered to take effectual care that all Children, Youth, and other perſons of able Body, living within the ſame Town or Precincts thereof (not having Eſtates otherwiſe to maintain themſelves) do not live idly, or miſpend their time in Loitering, but that they be brought up or imployed in ſome honeſt Calling, which may be profitable unto themſelves, and the Publick. And if any perſon or perſons fit and able to work, ſhall refuſe ſo to do, but loiter and miſpend his or her time, wander from place to place, or otherwiſe miſorder themſelves; and thereof be Convicted before one or more Juſtices of the Peace, ſuch perſon or perſons ſhall by ſuch Juſtice or Juſtices be ſent to the Houſe of Correction, and at their entrance, be whipped on the naked back, by the Maſter of ſuch Houſe, or ſuch other as he ſhall procure, not exceeding ten laſhes; and be there kept to hard Labour, until he or ſhe be diſcharged by ſuch Juſtice or Juſtices, or the Quarter Seſſions of the Peace for the ſame County. And it ſhall, and may be lawful for the Overſeers of the Poor, or Select men in each Town, where there are no other perſons ſpecially Choſen and Appointed to be Overſeers of the Poor, and they are hereby Ordered with the aſſent of two Juſtices of the Peace, to bind any poor Children belonging to ſuch Town, to be Apprentices, where they ſhall ſee convenient; a Man-child, until he ſhall come to the Age of Twenty one Years, and a Woman-child, to the Age of Eighteen years, or time of Marriage: which ſhall be as effectual to all intents and purpoſes, as if any ſuch Child were of full Age, and by Indenture of Covenant had Bound him or her ſelf.

Idle perſons & loiterers to be imployed. Upon refuſal to labour, to be ſent to the houſe of correction.

Poor children to be bound out Apprentices.

And it is further Enacted by the Authority aforeſaid, That every perſon and perſons, (except as in this Act is before excepted) being duly Choſen as aforeſaid, to Serve in the Office of Conſtable, who ſhall refuſe to take the Oath to that Office belonging; and to ſerve therein, if he be able in perſon to execute the ſame, ſhall pay the Sum of *Five Pounds*, to the uſe of the Poor of ſuch Town. And if in the Towns of *Boſton* or *Salem*, the Sum of *Ten Pounds*, and ſhall forthwith declare his acceptance or refuſal, and the Town ſhall proceed to a new Choice, and if ſuch perſon refuſe to pay down his Fine, he ſhall be Conven ed before the next Seſſions of the Peace, to be held for that County, in which ſuch Town lieth, who upon Certificate under

Penalty for not ſerving in the Office of Conſtable.

the Hand of the Town-Clerk, or two or more of the Select-men, that ſuch perſon was legally Choſen to the Office of Conſtable, and ſhewing no juſt cauſe to the Seſſions for his excuſe; the Juſtices ſhall Order a Warrant to be ſigned by the Clerk of the Peace, directed to any of the Conſtables then in being within ſuch Town, to Levy the ſaid Fine by Diſtreſs and Sale of ſuch Offenders Goods, returning the Over-plus (if any be) ſaid fine to be delivered unto the Overſeers of the Poor, or Select-men, to the uſe of the Poor of ſuch Town.

Perſons Entertained in any Town by the ſpace of 3 months, and not warned out, to be reputed Inhabitants.

And be it further Enacted by the Authority aforeſaid, That if any perſon or perſons come to ſojourn or dwell in any Town within this Province, or Precinct thereof, and be there received and entertained by the ſpace of three months, not having been warned by the Conſtable, or other perſon whom the Select-men ſhall appoint for that Service, to leave the place, and the names of ſuch perſons, with the time of their Abode there, and when ſuch warning was given them, returned unto the Court of Quarter Seſſions; every ſuch perſon ſhall be reputed an Inhabitant of ſuch Town, or Precincts of the ſame; and the proper Charge of the ſame, in caſe through Sickneſs, Lameneſs, or otherwiſe they come to ſtand in need of relief, to be born by ſuch Town; unleſs the Relations of ſuch poor impotent perſon, in the Line or Degree of Father or Grand-father, Mother or Grand-Mother, Children or Grand-Children, be of ſufficient ability; then ſuch Relations reſpectively ſhall relieve ſuch poor perſon, in ſuch manner as the Juſtices of the Peace in that County where ſuch ſufficient perſons dwell, ſhall aſſeſs; on pain that every one failing therein, ſhall forfeit *Twenty Shillings* for every months neglect, to be Levied by Diſtreſs and Sale of ſuch Offenders Goods by Warrant from any two ſuch Juſtices of the Peace (*Quorum Unus*) within their Limits; which ſhall be imployed to the uſe and relief of ſuch impotent poor perſon. *Provided* nevertheleſs this Act ſhall not be underſtood of any perſons committed to Priſon, or lawfully reſtrained in any Town, or of ſuch as ſhall come, or be ſent for Nurſing or Education, or to any Phyſician or Chirurgeon to be Healed or Cured; but the particular perſons who receive and entertain any ſuch, ſhall be the Towns Security in their behalf; and be obliged to relieve and ſupport them in caſe of need; upon Complaint made to the Quarter Seſſions, who ſhall accordingly Order the ſame.

Perſons of ability to relieve their poor relations

Perſons warned out of any Town to depart in 14 days or elſe to be ſent by the Conſtable.

And it is further Enacted by the Authority aforeſaid, That any perſon orderly warned as aforeſaid to depart any Town whereof he is not an Inhabitant, and neglecting ſo to do by the ſpace of fourteen days next after ſuch warning given, may by Warrant from the next Juſtice of the Peace be ſent and conveyed from Conſtable to Conſtable, unto the Town where he properly belongs, or had his laſt Reſidence, at his own Charge, if able to pay the ſame, or otherwiſe at the Charge of the Town ſo ſending him.

Conſtables to warn Town-meetings.

And further it is Enacted by the Authority aforeſaid, That when and ſo often as there ſhall be occaſion of a Town-Meeting for any Buſineſs of Publick Concernment to the Town, there to be done. The Conſtable or Conſtables of ſuch Town, by order from the Select men, or major part of them, or of the Town Clerk by their Order, in each reſpective Town within this Province ſhall warn a Meeting of ſuch Town, having order for the ſame in Writing; on pain that every Conſtable neglecting his Duty in that reſpect, and being thereof Convicted before one Juſtice of the Peace, ſhall forfeit the Sum of *Twenty Shillings*, to the Uſe of the Poor of ſuch Town, and

Penalty for neglect.

to

to be Levied by Diſtreſs and Sale of ſuch Offenders Goods, by Warrant from ſuch Juſtice of the Peace, upon neglect or refuſal of payment. And in caſe the Select men in any Town ſhall unreaſonably deny to call a Meeting of the Inhabitants of ſuch Town, upon any Publick Occaſion thereof, the ſame being complained of, and made to appear to one of the next Juſtices of the Peace within the ſame County; ſuch Juſtice by his Warrant directed to the Conſtable or Conſtables, may order a Meeting of the Inhabitants of ſuch Town, therein ſignifying the occaſion thereof.

Juſtice to give Warrant for Town-meeting in caſe.

An Act for due Regulation of Weights and Meaſures.

To the end that Weights and Meaſures may be one and the ſame throughout this Their Majeſties Province.

Be it Enacted and Ordained by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That the Braſs and Copper Weights and Meaſures formerly ſent out of *England*, with certificate out of Their Majeſties Exchequer, to be approved *Wincheſter* Meaſure according to the Standard in the Exchequer, be the publick allowed Standard throughout this Their Majeſties Province, for the proving and ſealing all Weights and Meaſures thereby. And the Conſtables of every Town throughout this Province, not already ſupplied, ſhall within three months next coming provide upon the Towns Charge One Buſhel, one half Buſhel, one Peck, one half Peck, one Ale Quart, one Wine pint and half pint, one Ell, one Yard, one ſet of Braſs Weights, to Four Pounds, alter ſixteen ounces to the Pound, with fit Scales, and Steel Beam, tried and proved by the aforeſaid Standard, and Sealed by the Treaſurer, or his Deputy in his Preſence, (which ſhall be kept and uſed only for Standards in the ſeveral Towns) who is hereby Authorized to do the ſame, for which he ſhall receive from the Conſtables of each Town, *Two pence* for every Weight and Meaſure ſo tried and proved and Sealed. And the Conſtables of every Town ſhall commit thoſe Weights and Meaſures unto the cuſtody of the Select men of their Towns for the time being, who with the Conſtables are hereby enjoyned to Chooſe one able man for Sealer of all Weights and Meaſures for their Town from time to time, and till another be Choſe, who ſhall be preſented unto the next Court of Seſſions, and there Sworn to the faithful Diſcharge of his Duty: And ſhall have power to ſend forth his Warrants by the Conſtable to all the Inhabitants of ſuch Town, to bring in all ſuch Weights and Meaſures as they make uſe of, in the Month of *April*, from year to year, at ſuch time and place as he ſhall appoint, and make return to the Sealer in writing of all perſons ſo Summoned. That then and there all ſuch Weights and Meaſures may be proved and ſealed with the Town Seal (which is likewiſe to be provided by the Conſtables at each Towns Charge) who ſhall have for every Weight and Meaſure ſo Sealed, *One penny* from the Owner thereof at the firſt Sealing. And all ſuch Weights and Meaſures as cannot be brought to their juſt Standard, he ſhall deface and deſtroy, and after the firſt Sealing ſhall have nothing, ſo long as they continue juſt with the Standard.

Standard of *Wincheſter* meaſure.

Conſtables to provide Standards.

Sealer of Weights and Meaſures, how to be choſen.

to grant out warrant, for Sealing of weights and meaſures in *April* yearly.

Fee

Penalty for neglect.

Penalty for Constables, Select men or Sealers neglect.

And it is further Enacted by the Authority aforesaid, That if any Constable, Select-man or Sealer, do not duly Execute this Law so far as to each and every of them appertains, they and each of them shall forfeit to Their Majesties for every such neglect, by the space of one month the Sum of *Forty Shillings*, towards the Support of their Government here. And every person neglecting to bring in their Weights and Measures at the time and place appointed, being duly warned thereto, shall likewise forfeit *Three Shillings* and *Four-pence*; the one half whereof to be to their Majesties as aforesaid, the other half to the Sealer aforesaid. And the penalty herein mentioned, to be Levied by Distress by Warrant from any Justice of the Peace.

Penalty for not bringing in weights when warned.

Sea-port Towns to be provided of great weights.

And it is further Enacted by the Authority aforesaid, That in every Sea-port Town within this Province, the Constable or Constables are to provide upon the Towns Charge, One Hundred Weight: one half Hundred, one quarter of an Hundred, and one fourteen pounds Weight made of Iron, to be tried, proved and sealed as aforesaid, and be kept as Standards in the said several Towns to be used as before for other Weights and Measures is directed.

An Act for the Regulating and Encouragement of Fishery.

UPON Consideration of great Damage and Scandal, that hath happened upon the account of Pickled Fish, although afterwards dried and hardly discoverable; to the great loss of many, and also an ill Reputation on this Province, and the Fishery of it.

Be it therefore Enacted by the Governour, Council and Representatives, Convened in General Court or Assembly, and it is Enacted by the Authority of the same, That no person or persons whatsoever, after the Publication hereof, shall save or salt any sort of Fish (that is intended to be dried) in Cask or Fatts, or any other way than what hath formerly and honestly been practised for the making of dry Fish, on penalty of forfeiting all such Fish so salted and pickled, whether it be green or dry: The one Moiety thereof to the use of the Poor of the Town, where the offence is committed, and the other Moiety to the person that shall sue for the same.

How dry Fish shall be saved.

No Mackrel to be salted up before the first of *July*.

See Explanatory Act page.

Penalty for taking Mackarel in Nets or Seyns.

And it is further Enacted by the Authority aforesaid, That henceforth no Mackrel shall be Caught (except for spending whilst fresh) before the first of *July* annually: And no person or persons whatsoever after the publication hereof, shall at any time or place within this Province, take, kill, or hale ashore any Mackrel, with any sorts of Nets, or Sa'ns whatsoever, on penalty of forfeiting all such Mackrel so taken or haled ashore, and also all such Nets and Sa'ns which were so imployed: The one half thereof to Their Majesties towards the support of this Their Government, and the other half to him or them that shall Inform and Sue for the same. And all Justices are hereby Impowered, and Required to Grant their Warrants for the seizing of the same, and the aforesaid forfeitures, or the receiving of the like value in currant Money of this Province.

An Act Requiring the taking the Oaths appointed to be taken inſtead of the Oaths of Allegiance, and Supremacy.

WHEREAS *Their Royal Majeſties in and by Their Charter for the Erecting and Incorporating of Their Province of the* Maſſachuſetts Bay, *in* New-England, *Have Granted and Ordained, That the Governour, or Lieutenant or Deputy Governour of Their ſaid Province, or Territory for the time being, or either of them, or any two or more of the Council or Aſſiſtants for the time being, as ſhall be thereunto appointed by the ſaid Governour, ſhall and may at all times, and from time to time, have full Power and Authority to adminiſter and give the Oaths appointed by an Act of Parliament made in the Firſt Year of Their preſent Majeſties Reign,* (*Entituled,* An Act for the Abrogating of the Oaths of Allegiance and Supremacy, *and appointing other Oaths*) *to be taken inſtead of the Oaths of Allegiance and Supremacy; to all and every perſon and perſons which are now Inhabiting or Reſiding within the ſaid Province or Territory; or which ſhall at any time or times hereafter go or paſs thither.*

Now to the intent that there be no failure herein, but that Their Majeſties Subjects within this Their Province, may accordingly Recognize their Duty and Allegiance.

Be it Enacted and Ordained by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That the Oaths in ſaid Act mentioned, and the eby appointed to be taken inſtead of the Oaths of Allegia ce and Supremacy, and each of them be and ſhall be forthwith Adminiſtred and given unto all Male perſons of the Age of Eighteen Years, or above, Inhabiting or Reſiding in any Town or Place within this Province (that have not already taken the ſame, and ſhall make it ſo to appear) by His Excellency the Governour, or the Lieutenant or Deputy Governour, or any two or more of the Council or Aſſiſtants, or ſuch others as ſhall be thereunto appointed by the Governour; and the Liſt of the Names of all perſons ſo Sworn, to be returned into the Secretary's Office.

All male perſons of 18 years & upwards to take the Oaths.

And be it further Enacted by the Authority aforeſaid, That if any perſon or perſons ſhall refuſe to take the ſaid Oaths, or either of them when tendred to him or them by any perſons lawfully Authorized as is aforeſaid; to adminiſter or tender the ſame; the perſon or perſons ſo tendering the ſaid Oaths, or either of them, ſhall commit the ſaid perſon & perſons ſo refuſing to the common Goal, or Houſe of Correction; there to remain without Bail or Mainprize, for the ſpace of three months; unleſs ſuch Offender ſhall pay down to the ſaid perſon or perſons ſo Tendering the ſaid Oaths, or either of them, ſuch Sum of Money, not exceeding *Forty Shillings*; as the ſaid perſon or perſons ſo tendring the ſaid Oaths, or either of them, ſhall require ſuch Offender to pay for his ſaid refuſal; which Money ſhall be paid to the Select-men, or Overſeers of the Poor of the Town, or place where ſuch Offender did laſt Inhabit.

Penalty for refuſing.

And unleſs every ſuch Offender, ſhall alſo become bound with two ſufficient Sureties, with condition to be of the good Behaviour; and alſo to appear at the next General Quarter Seſſions of the Peace, to be held for the ſame County, where ſuch Offender doth Inhabit or Reſide; at which Court of Quarter Seſſions, the ſaid Oaths ſhall be again Tendered to every ſuch Offender by the Juſtices of the ſaid Court in open Seſſions. And if the ſaid

Offender, ſhall refuſe to take the ſaid Oaths, or either of them, when Tendred to him by the ſaid Juſtices in open Seſſions as is aforeſaid; the ſaid Juſtices Tendering the ſaid Oaths, ſhall commit the ſaid perſon and perſons ſo refuſing, to the common Goal, or Houſe of Correction, there to remain for the ſpace of ſix months, unleſs every ſuch Offender ſhall pay down to the Juſtices ſo Tendring the ſaid Oaths, ſuch Sum of Money, not exceeding *Ten Pounds*, nor under *Five Pounds*, as the ſaid Juſtices ſhall require ſuch Offender to pay for his ſecond refuſal; the ſaid Money to be diſpoſed of in manner aforeſaid; and unleſs every ſuch Offender ſhall likewiſe become Bound with two ſufficient Sureties, with condition to be of the good Behaviour, until he or they do take the ſaid Oaths.

Penalty for a 2d refuſal.

And whereas there are certain perſons who ſcruple the taking of any Oath.

Be it Enacted by the Authority aforeſaid, That every ſuch perſon ſhall make and ſubſcribe the Declaration of Fidelity following, *viz.*

Declaration of Fidelity.

I A. *B. Do ſincerely Promiſe, and ſolemnly declare before God and the World; That I will be true and faithful to King* WILLIAM, *and Queen* MARY: *And I do ſolemnly profeſs and declare, that I from my Heart, Abhor, Deteſt, and Renounce as Impious and Heretical, that Damnable Doctrine and Poſition. That Princes Excommunicated or Deprived by the Pope, or any Authority of the See of* Rome *may be Depoſed or Murdered by their Subjects, or any other whatſoever And I do Declare, that no Forreign Prince, Perſon, Prelate, State or Potentate, hath, or ought to have any Power, Juriſdiction, Superiority, Preheminence or Authority, Eccleſiaſtical or Spiritual, within the Realm of* England, *or any of Their Majeſties Dominions.*

An Act for the Eſtabliſhing of Forms of Oaths.

Be it Declared and Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That the ſeveral Forms of Oaths here Underwritten, Be and are hereby Eſtabliſhed. To be Given and Adminiſtred unto the reſpective Officers for whom they are appointed. As followeth.

Counſellors Oath.

YOU *A. B.* being Choſen and Admitted of Their Majeſties Council within this Their Province, Do Swear by the Everliving God. That you will to the beſt of your Judgment at all times, freely give your Advice to the Governour, for the good Management of the Publick Affairs of this Government; and that you will not directly nor indirectly Reveal ſuch matters as ſhall be Debated in Council, and Committed to your Secrecy. But will in all things be a true and faithful Counſellor when you are thereunto Required. *So help you God.*

Juſtice of Peace Oath.

YOU *A. B.* Do Swear, That as Juſtice of the Peace in the County of *S.* according to the Commiſſion given you. You ſhall Diſpenſe Juſtice equally and impartially in all Caſes. And do equal Right to the Poor and to the Rich, after your cunning, wit and power, and according to Law. And you ſhall not be of Council in any Quarrel that ſhall come before you: You ſhall not Let for Gift or other Cauſe. But well and truly you ſhall do your Office of Juſtice of the Peace in that behalf, taking only appointed Fees. And you ſhall not direct or cauſe to be directed any Warrant (by you to be made)

made) to the Parties; but you ſhall direct your Warrant to the Sheriff, his Under Sheriff or Deputy, Conſtable, Tything-men, or other Officers, proper for the Execution of the ſame in the County. And this you ſhall do without favour or reſpect to perſons. *So help you God.*

YOU Swear, That you will well and truly Serve the King and Queens Majeſties, in the Office of the Sheriff of the County of *S.* And do the King and Queens profit in all things that belongeth to you to do by way of your Office, as far forth as you can or may; you ſhall truly keep the King and Queens Rights, and all that belongs to the Crown; you ſhall not Reſpite the King and Queens Debts for any gift or favour, where you may Raiſe them without great grievance of the Debtors; you ſhall truly and uprightly treat the people of your Sheriffwick, and do right as well to Poor as to Rich, in all that belongeth to your Office; You ſhall do no wrong to any man, for any gift or other beheſt or promiſe of Goods, for favour nor hate; you ſhall diſturb no mans Right; you ſhall truly acquit at the Treaſury, all thoſe of whom you ſhall any thing receive of Their Majeſties Debts; you ſhall nothing take whereby Their Majeſties may loſe, or whereby the Right may be letted or diſturbed, or Their Majeſties delayed; you ſhall truly return, and truly Serve all their Majeſties Writs, as far forth as ſhall be to your cunning; you ſhall take no Bayliff into your Service, but ſuch as you will anſwer for, and of true and ſufficient men in the County, and ſhall cauſe each of your Bayliffs to make ſuch Oath as you make your ſelf in that belongeth to their Occupation. And over this in eſchewing and reſtraint of the Man ſlaughters, Robberies, and other manifold grievous offences that be done daily. All theſe things you ſhall truly obſerve and keep as *God help you.*

Sheriff or Marſhals Oath, *Mutatis mutandis.*

YOU as Foreman of this Inqueſt for the Body of this County of *S.* You ſhall diligently Enquire, and a true Preſentment make of all ſuch matters and things as ſhall be given you in Charge; The King and Queens Majeſties Counſel, your Fellows and your own, you ſhall keep ſecret; you ſhall preſent no man for envy, hatred or malice; neither ſhall you leave any man unpreſented for love, fear, favour or affection, or hope of reward; but you ſhall preſent things truly as they come to your knowledge, according to the beſt of your underſtanding. *So help you God.*

Grand Jurors Oath.

THE ſame Oath which your Foreman hath taken on his part, you and every of you on your behalf ſhall well and truly obſerve and keep. *So help you God.*

YOU ſhall well and truly try, and true deliverance make between Our Soveraign Lord and Lady, the King and Queen, and the Priſoners at the Bar, whom you ſhall have in Charge according to your Evidence. *So help you God.*

Petit Jurors Oath.

YOU Swear, That in all Cauſes betwixt party and party that ſhall be committed unto you: You will give a true Verdict therein according to Law, and the Evidence given you. *So help you God.*

Jurors Oath in civil caſes.

YOU Swear, That in the Office of Town-Clerk within the Town of *B.* whereto you are Choſen: You will diligently and faithfully attend and diſcharge the Duty of your Place, and duly obſerve the directions of the Law in all things whereto your Office hath relation, and thereby committed to your care and truſt. *So help you God.*

Town Clerks Oath.

YOU

Oath of Leather Sealer. Clerk of the Market, Culler of Fish, Packer, Gager, *Mutatis Mutandis.*

YOU Swear, That you will from time to time diligently and faithfully Discharge and Execute the Office of within the Limits whereto you are Appointed for the Ensuing Year, and until another be Chosen in your place; and that in and by all the particulars mentioned in the Laws whereto your Office hath Relation; and that you will do therein Impartially according to Law, without Fear or Favour. *So help you God.*

Constables Oath.

WHEREAS you *A. B.* are Chosen Constable within the Town of *C.* for one year now following, and until other be Chosen and Sworn in your Place: You do Swear, That you will carefully intend the Preservation of the Peace, the discovery and preventing all attempts against the same: That you will duly Execute all Warrants which shall be sent unto you from lawful Authority; and faithfully attend all such Directions in the Laws, and Orders of Court, as are, or shall be committed to your care. That you will faithfully and with what speed you can, Collect and Levy all such Fines, Distresses, Rates, Assessments and Sums of Mony, for which you shall have sufficient Warrants according to Law; rendring an account thereof, and paying in the same according to the direction in your Warrant. And with like faithfulness, speed and diligence, will Serve all Writs, Executions and Distresses in private Causes betwixt party and party, and make Returns thereof duly into the same Court, where they are Returnable. And in all these things you shall deal seriously and faithfully whilst you shall be in Office without any sinister respects of favour or displeasure. *So help you God.*

An Act for Regulating Fees.

BE it Enacted and Ordained by the Governour, Council and Representatives, Convened in General Court or Assembly, and it is hereby Enacted and Ordained by the Authority of the same, That the Establishment of the Fees belonging to the several Offices in this Province; be as followeth.

Justices Fees.

	l.	*s.*	*d.*
FOR every Attachment or Summons for Actions not exceeding Forty Shillings, *Six pence.*	00	00	06
Sub pœna, each Witness, *Two-pence.*	00	00	02
Entring the Action, *Three Shillings.*	00	03	00
Every Execution, *Two Shillings.*	00	02	00
Filing Papers, each Paper, *Two-pence.*	00	00	02
Every Warrant for Criminals, *One Shilling.*	00	01	00
Bond for Appeal, *One Shilling.*	00	01	00
Copy of Evidences, the least *Six-pence.*	00	00	06
Copy of a Judgment, *Six pence.*	00	00	06
Every Recognizance, *Two Shillings.*	00	02	00
Confessing Judgment, *One Shilling.*	00	01	00
Affidavit out of Court, *One Shilling.*	00	01	00
Each days Attendance at the Sessions, to be paid out of the Fines, *Four Shillings.*	00	04	00
Acknowledging of a Deed or Mortgage or any other Instrument, *Two Shillings.*	00	02	00

See Act impowring Justices to decide differences not exceeding 40 *s.* page

Coroners Fees.

FOR taking every Inquisition, to be paid out of the Estate of the Deceased, *Thirteen Shillings* and *Four-pence.*	00	13	04

If

If no Eſtate then to be paid by the County Treaſurer, *Six Shillings* and *Eight pence*	00	06	08

Fees for Probate of Wills, granting Adminiſtrations, &c.

FOR granting Adminiſtration, Bond and Letter of Adminiſtration, under the Seal of the Office, if the Inventory amount to Thirty Pounds or upwards, to the Judge *Four Shillings*, to the Regiſter, *Three Shillings Six pence.*	00	07	06
If the Inventory be under Thirty Pounds *Five Shillings.*	00	05	00
Probate of a Will where the Inventory amounts to Thirty Pounds or upwards; to the Judge *Three Shillings* and *Six pence*, to the Regiſter, *Two Shillings* and *Six pence*	00	06	08
If under Thirty Pounds, *Four Shillings.*	00	04	00
Recording a Will or Inventory of one page, and Filing the ſame, *Two Shillings* and *Six pence.*	00	02	06
If more, each page of twenty eight lines, eight words in a line, *One Shilling.*	00	01	00
For a Copy of a Will or Inventory, *Twelve-pence* a page, each page to contain as aforeſaid.	00	01	00
Allowing Accompts, Setling and Dividing of Inteſtate Eſtates, *Five Shillings.*	00	05	00
Every Citation, *One Shilling.*	00	01	00
Every Quietus, *Four Shillings.*	00	04	00
Warrant for Appriſement, *Two Shillings.*	00	02	00
Making out a Commiſſion to receive and examine the Claims of Creditors to Inſolvent Eſtates and Regiſtring of the ſame, *Three Shillings.*	00	03	00
Regiſtring of the Commiſſioners Report after the rate of *One Shilling per* page, to be accounted as aforeſaid.			
For Entring an Order upon the Adminiſtrator to pay out the Eſtate in proportion unto the ſeveral Creditors returned by the Commiſſioners, *One Shilling* and *Six pence.*	00	01	06

Secretary's Fees.

FOR Engroſſing the Acts or Laws of the General Aſſembly, *Ten Shillings* each, to be paid out of the Publick Revenue.	00	10	00
Every Commiſſion for the Juſtices of each County, and Commiſſion of Oyer and Terminer, *Ten Shillings*, to be paid out of the Publick Revenue.	00	10	00
Every Commiſſion for a Military Officer, *Three Shillings.* to be paid out of the Publick Revenue.	00	03	00
Special Warrant or Mittimus by Order of the Governour and Council, each *Two Shillings* and *ſix pence.*	00	02	06
Every Commiſſion under the Great Seal for Places of Profit, *Ten Shillings.*	00	10	00
Every Bond, *Two Shillings.*	00	02	00
Every Order of Council to the benefit of particular perſons, *Two Shillings* and *ſix pence.*	00	02	06

	l.	*s.*	*d.*
Every Petition to the Governour and Council or General Assembly according to the Import from *Two Shillings* and *Six-pence*, to *Ten Shillings*.			
A Pass or Sea Brief, *Three Shillings*.	00	03	00
A Bill of Health, *Three Shillings*.	00	03	00
Every Writ for Electing of Assembly-men directed to the Sheriff or Marshal, under the Province Seal, *Five Shillings*, to be paid out of the Publick Revenue.	00	05	00
For Transcribing the Acts or Laws passed by the General Assembly into a Book, *Twelve pence* a page, each page to contain Twenty Eight Lines, eight words in a line, & so proportionably, to be paid out of the Publick Revenue.			

In the Superiour Court.

The Justices Fees.

ENTRY of every Action for Tryal, *Twelve Shillings*.	00	12	00
out of which to the Clerk, *Two Shillings*.	00	02	00
Taking every special Bayl, *Two Shillings*.	00	02	00
Allowing of a Writ of Error, *Three Shillings*.	00	03	00
Allowing a *Habeas Corpus*, *Two Shillings*.	00	02	00
Confessing Judgment, *Two Shillings*.	00	02	00
Acknowledging satisfaction of a Judgment on Record, *One Shilling*.	00	01	00
In all Criminal Cases where a Fine is set, *Six Shillings*.	00	06	00
Taxing every Bill of Cost, *One Shilling*.	00	01	00

Clerks Fees.

EVERY Writ and the Seal, *One Shilling* and *Six-pence*.	00	01	06
Every Rule of Court, *Six-pence*.	00	00	06
Filing every Declaration, *One Shilling*.	00	01	00
To the Jury to be paid down by the Plaintiff, *Six Shillings Six pence*	00	06	06
Entring Appearance, *Six pence*.	00	00	06
Signing a Judgment by default, *One Shilling*.	00	01	00
Taking every Verdict and Recording it, *One Shilling*.	00	01	00
Copies of all Records, *Twelve pence*. a page, each page containing twenty eight lines, eight words in a line.	00	01	00
Less than one page, *One Shilling*.	00	01	00
Every Action withdrawn or Non-Suit, *One Shilling*.	00	01	00
Every Petition Read, *One Shilling*.	00	01	00
Order thereon, *One Shilling*.	00	01	00
Filing the Records of each Action, *Two-pence* a Paper.	00	00	02
Every Execution, *Two Shillings*.	00	02	00

In Criminal Cases.

Drawing and Ingrossing every Indictment or Information, *Two Shillings*.	00	02	00
Every Appearance, *Six-pence*.	00	00	06
For the Discharge of any person upon Bail for the peace, good behaviour, contempt and the like and Warrant thereon, *One Shilling*.	00	01	00
For Awarding and making forth Process against the Defendant on Information, *One Shilling*.	00	01	00
Every Warrant for the peace or good behaviour, *One Shilling*.	00	01	00

In

		l.	*s.*	*d.*
In the Inferiour Court.				
Justices Fees.				
ENTRY of every Action, *Ten Shillings.* Of which the Clerk is to have *Two Shillings.*	Of which the Clerk 1 quarter.	00	10	00
		00	02	00
Taking Special Bail, *Two Shillings.*		00	02	00
Confessing Judgment, *One Shilling.*		00	01	00
Acknowledging Satisfaction of Judgment on Record, *One Shilling.*		00	01	00
Taxing every Bill of Cost, *One Shilling.*		00	01	00
whereof *Six pence* to the Clerk.		00	00	06
To the Jury to be paid down by the Plaintiff, *Six Shillings, Six pence.*		00	06	06
Clerks Fees.				
FOR every Writ and Seal, *One Shilling.*		00	01	00
Entring Appearance, *Six pence.*		00	00	06
Entring and Recording the Verdict, *One Shilling.*		00	01	00
Making up the Record, *One Shilling.*		00	01	00
Copys of all Records, *Twelve-pence.* each page as before.		00	01	00
Every Action withdrawn or Non-Suit, *One Shilling.*		00	01	00
Every Execution, *Two Shillings.*		00	02	00
Clerk of the Sessions or Peace, his Fees.				
ENTRING Complaint or Indictment, *Two Shillings.*		00	02	00
Discharge of a Recognizance, *One Shilling.*		00	01	00
Making forth Process against Criminals, *One Shilling.*		00	01	00
Every Summons, *Three pence.*		00	00	03
Every Warrant for the Peace, or good Behaviour, *One Shilling.*		00	01	00
Every License for Houses of publick Entertainment or Retailing, *Four Shillings.*		00	04	00
whereof two to the Clerk.		00	02	00
Sheriff or Marshals Fees. Or Constables				
FOR Serving every Summons for Tryal, *One Shilling.*		00	01	00
Every *Capias* or Attachment, *Two Shillings* and if above one mile, *Three pence per* Mile besides; Bayl Bond *One Shilling.*		00	02	00
		00	01	00
Levying Execution, for the first Twenty Pound or under, *One Shilling per* Pound, above that, not exceeding Forty Pound, *Six pence per* Pound.				
Above Forty Pound, not exceeding One Hundred Pound, *Three pence per* Pound, for whatsoever it exceeds One Hundred Pound, *Two pence per* Pound, besides *Four pence per* Mile for Travel from Home.				
Every Tryal, *One Shilling.*		00	01	00
Every Precept for Chooſing of Representatives, *Two Shillings,* to be paid out of the County Assessment.		00	02	00
Cryers Fees.				
FOR calling of the Jury, *Six pence.*		00	00	06
Every Non Suit, *Twelve-pence.*		00	01	00
Every Verdict, *Twelve pence.*		00	01	00

Goalers Fees.

FOR Turning of the Key upon every Priſoner Committed *Five Shillings, viz.* Commitment 2 *s.* 6 *d.* Diſcharge 2 *s.* 6 *d.* 00 05 00
For Diet for each Priſoner, *Two Shillings* and *ſix-pence per* 00 02 06
week, and ſo proportionable, he finding the ſame.

Penalty for taking exceſſive Fees.

And be it further Enacted by the Authority aforeſaid, That what Officer ſoever ſhall ask, demand and take any greater or other Fees than are before-mentioned for the matters aforeſaid, or any of them, and be thereof duly Convicted in any Court of Record within this Province, ſhall forfeit and pay the Sum of *Ten Pounds* currant Money, one Moiety whereof to be unto Our Soveraign Lord and Lady, the King and Queen, Their Heirs and Succeſſors, for and towards the Support of the Government of this Their Province, and the contingent Charges thereof: And the other Moiety unto the Informer, or him that ſhall Sue for the ſame in any Court of Record; wherein no eſſoign, protection, or wager of Law ſhall be allowed. And ſhall further pay unto the party grieved, double the value of the exceſſive Fees ſo taken.

An Act for Aſcertaining the number, and Regulating the Houſe of Repreſentatives.

WHEREAS Their Majeſties have been Graciouſly pleaſed by Their Royal Charter, to grant power unto the Great and General Court or Aſſembly of Their Province of the Maſſachuſetts Bay; *from time to time to direct, appoint, and declare, what number of Repreſentatives each County, Town or place ſhall Elect and Depute to ſerve for and repreſent them reſpectively, in the ſaid Aſſembly.*

Towns conſiſting of 40 Freeholders or other Inhabitants qualifyed to chooſe to ſend one Repreſentative.

One hundred & twenty or upwards, may ſend two.

Boſton four

Be it therefore Enacted and Ordained by His Excellency the Governour, Counſil and Repreſentatives, now in General Court Aſſembled, and by the Authority of the ſame, That henceforth every Town within this Province, conſiſting of the number of forty Freeholders, and other Inhabitants qualified by Charter to Elect, ſhall and hereby are Injoyned to Chooſe and ſend one Freeholder as their Repreſentative; and every Town conſiſting of the number of one hundred and twenty Freeholders and other Inabitants, qualified as aforeſaid, or upwards, may ſend two ſuch Repreſentatives, and each Town of the number of Thirty Freeholders, and other Inhabitants qualified as aforeſaid, or upwards, under Forty, are at liberty to ſend one or not; but may chooſe and ſend one Repreſentative, if they think fit, to ſerve for, and repreſent them reſpectively in every Seſſion of the Great and General Court or Aſſembly from time to time. And all Towns under thirty Freeholders, may ſend one to repreſent them, or joyn with the next Town in the Choice of their Repreſentatives, they paying a proportionable part of the Charge. And no Town, ſhall at any time ſend more than two Repreſentatives, except *Boſton*, who are hereby granted to chooſe and ſend four.

And be it further Enacted by the Authority aforeſaid, That when and ſo often as His Excellency the Governour ſhall ſee cauſe to Convene and Hold a Great and General Court or Aſſembly, Writs ſhall Iſſue out from the Secretary's

Secretary's Office under the Seal of the Province, and ſigned by the Governour, thirty days at leaſt, before the time appointed for ſuch Aſſemblies meeting, directed unto the Sheriffs of the ſeveral Counties. And where there is no Sheriff in any County or place, there to be directed to the Marſhal, commanding each of them reſpectively to ſend his Precepts to the Select men of the ſeveral & reſpective Towns within ſuch County, to aſſemble and call together the Freeholders and other Inhabitants qualified as aforeſaid, to chooſe and elect one or more Freeholders, as the number in each Town is more or leſs, as above, to ſerve for and repreſent them in ſuch Great and General Court or Aſſembly: The major part of the Select men in each Town reſpectively, to be preſent at ſuch Meeting, and to give directions for the regular and orderly carrying on of the ſame: Who are to return the ſaid Precept with the names of ſuch as ſhall be Choſen by the major part of the Electors preſent at ſuch Meeting, under their Hands unto the reſpective Sheriffs or Marſhals by them to be returned into the Secretary's Office, one day at the leaſt, before the time prefixed for the ſaid Court or Aſſemblies Sitting.

Writts for calling a general Aſſembly to iſſue 30 days before.

Select-men to regulate the meeting.

And it is further Enacted by the Authority aforeſaid, That the Repreſentatives Aſſembled in any Great and General Court, ſhall be the ſole Judges of the Elections and Qualifications of their own Members; and may from time to time ſettle, order and purge their Houſe, and make ſuch neceſſary Orders for the due Regulation thereof, as they ſhall ſee occaſion. And forty Repreſentatives at any time ſo Aſſembled, ſhall be accounted a number ſufficient to Conſtitute a Houſe, Paſs Bills, and to tranſact and do any Buſineſs proper to be done in that Houſe; and ſuch Acts to be eſteemed valid and of Effect.

Houſe of Repreſentatives judges of Elections &c.

Forty Repreſentatives conſtitute a houſe.

And be it further Enacted by the Authority aforeſaid, That each Town reſpectively ſhall pay unto their ſeveral Repreſentatives, during their Attendance on the Court, and for the neceſſary time expended in their Journeying to and from thence; *Three Shillings* in Money *Per Diem,* within one Month next after the end of each Seſſion commencing from His Excellencies Arrival.

Repreſentatives Allowance.

And it is further Enacted by the Authority aforeſaid, That every perſon Choſen to Serve for, and Repreſent any Town in the General Aſſembly, and accepting thereof, ſhall give his conſtant Attendance, during their Seſſions, on pain of forfeiting the Sum of *Five Shillings Per Diem* for his neglect (without juſt excuſe made and allowed of by the Houſe of Repreſentatives) to be paid unto the Clerk of the ſaid Houſe, and is to be diſpoſed of and imployed as the Houſe ſhall direct; and in default of payment, to be Levied by Diſtreſs upon ſuch Delinquents Goods, by Warrant from the ſaid Clerk, by Order of the Houſe, directed to the Sheriff of the County, his Under-Sheriff or Deputy, or Conſtable of the Town where ſuch Repreſentative dwells; and no Repreſentative ſhall depart or abſent himſelf from the General Aſſembly, until the ſame be fully finiſhed, adjourned or prorogued, without the Licence of the Speaker and Repreſentatives Aſſembled, to be Entred upon Record in the Clerks Book, on pain to every one ſo departing or abſenting himſelf in any other manner, to loſe his Wages. And the Inhabitants of ſuch Town for which he Serves, ſhall be clearly diſcharged of the ſaid Wages againſt ſuch perſon, and his Executors for ever.

Penalty for non attendance.

Not to depart without leave of the Speaker & the houſe.

And further it is Enacted by the Authority aforeſaid, That no Member of the General Aſſembly, or his Servant during the time of their Seſſions, or going to and from thence ſhall be Arreſted, Sued, Impriſoned, or any ways moleſted or troubled, or compelled to make anſwer to any Suit, Bill, Plaint or Declaration, or otherwiſe: Caſes of High-Treaſon and Felony excepted.

No Repreſentative or his Servant to be arreſted &c. during the Seſſion.

An Act for the preventing of Danger by the French Reſiding within this Province.

THere having been frequent Complaints made to this Court, That although ſeveral French *Proteſtants who lately fled from Perſecution; came Over-Sea into this Province, and were charitably Entertained and Succoured here; yet ſince that, many of a contrary Religion and Intereſt, have been brought hither; and others have Obtruded themſelves; which (eſpecially in this time of War, between the Two Crowns of* England *and* France*) proves a grievous Inconvenience; and the Publick Safety is endangered by ſuffering ſuch a mixt Company among us.*

For Remedy whereof,

No French to reſide or be in any Sea-port or Frontier Town without Licenſe.

It is Enacted and Ordained by the Governour, Council and Repreſentatives, Convened in General Aſſembly, and by the Authority of the ſame, That from and after the ſecond day of *January* next Enſuing; none of the *French* Nation be permitted to reſide or be in any of the Sea-port or Frontier Towns within this Province; but ſuch as ſhall be Licenſed by the Governour and Council. Nor ſhall any of ſaid Nation open Shop, or exerciſe any Manual Trade in any of the Towns of this Province; without the Approbation of the Select-men, firſt orderly obtained in Writing under their hands, on pain of Impriſonment.

And any two Juſtices of the Peace (*Quorum Unus*) within their reſpective Precincts, are hereby Impowred to Commit to Priſon any perſon or perſons legally Convicted of Offending againſt this Act; upon the complaint of the Select men in any Town, or any two of them; and to remain in Priſon, until Releaſed by Order of the Governour and Council.

ACTS and LAWS,

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*. Begun and Held at *Boſton* the Eighth of *June*, 1692. and Continued by ſeveral Adjournments unto the Eighth day of *February* following.

An Act for the Explaining and Altering of ſome Clauſes, and Sentences; and the Repealing of ſome others, contained in ſeveral Acts made and paſſed at the Second Seſſion of this Court in *October* laſt, 1692.

BE it Enacted by the Governour Council and Repreſentatives in General Court Aſſembled, and it is Enacted and Declared by the Authority of the ſame, *That whereas in the Act Entituled, An Act,* For the Setling and Diſtribution of the Eſtates of Inteſtates, *amongſt other things, thereby* Enacted *and* Provided, *there is a Saving to the Party agrieved, at any Order, Sentence or Decree, made for the Settlement and Diſtribution of any Inteſtate Eſtate, their right of Appeal unto the Governour and Council.*

It is now Declared and Enacted, That ſuch Right of Appeal, ſhall to all intents and purpoſes, extend and be taken and conſtrued to extend, as well to any other Order, Sentence, Decree or Denyal, that ſhall at any time be made and given by the Judge of Probate, referring to the approbation and allowance of any Will, grant of Adminiſtration or other matter; Any thing in ſaid Act, to the contrary notwithſtanding. Appeals from the Judge of Probate enlarged.

And further it is Enacted and Declared, That the Judge of Probate in each County reſpectively, when and ſo often as there ſhall be occaſion; Be, and hereby is Impowred, to allow of Guardians, that ſhall be Choſen by Minors of fourteen years of Age, and to appoint Guardians for ſuch as ſhall be within that Age; taking ſufficient Security of all ſuch Guardians for the faithful diſcharge of their Truſt, according to Law: And to Accompt either to the Judge or Minor, when ſuch Minor ſhall arrive at full Age, or at ſuch other time as the Judge upon complaint to him made ſhall ſee cauſe. Guardians to be allowed by the Judge of Probate.

AND whereas in one other Act, Entituled, An Act, For Affirming of former Judgments, and providing for Executions. *Amongſt other things thereby* Enacted, *It is* Provided, *that Appeals then depending, having not been Heard, ſhall be Heard and Tryed at the firſt Superiour Court.*

It is hereby Explained *and* Declared, *to be underſtood and intended, and ſhall be conſtrued to intend, the firſt Superiour Court to ſit within or for that County, where the Action was originally and firſt Tryed.*

And for further Explanation and an Addition to the Section or Paragraph of ſaid laſt mentioned Act, wherein proviſion is made, That a Scire Facias *do iſſue forth upon any Judgment paſſed in any County Court or Court of Commiſſioners.*

It is hereby Declared, to extend, and ſhall be conſtrued and taken to extend as well to any Judgment paſſed in any Court of Aſſiſtants, Superiour or Inferiour Court at any time whatſoever; where Execution has not been taken out or not levied for ſatisfying of the ſame, ſuch Writ of Scire Facias *to be granted out of the Clerks Office, of the Superiour or Inferiour Court reſpectively to be held within or for the ſame County, where ſuch Judgment was given.*

And

And whereas by the Precedent or Form for an Execution, the Officer is Commanded for want of Goods, Chattels or Lands of the Debtor, to be by him ſhewn or found within the Precinct, to take the Body of ſuch Debtor and Commit him to Priſon.

Judgments to be ſatisfyed in Specie.

It is hereby Explained, Enacted and Declared by the Authority aforeſaid, That where Judgment is granted for Money, or any particular Specie, the Creditor ſhall not be compelled to take any other Specie; but in every ſuch caſe, for want thereof, the Officer ſhall take the Body of the Debtor, in Execution, and Impriſon him; unleſs ſuch Creditor ſhall be content to receive his ſatisfaction in ſuch other Eſtate as may be tendred or found. And theſe words, *To the Acceptance of the ſaid* A. B. ſhall be ſupplied and inſerted in the Writ of Execution, to follow next the word *Precinct.*

Writs to run through the Province.

And be it further Enacted and Declared by the Authority aforeſaid, That as well Original as Judicial Writs Iſſuing out of the Clerks Office, of the Inferiour Courts of Judicature reſpectively ſhall run into any County within this Province, and be there Executed by the Officer or Officers of ſuch County to whom they are directed.

Prohibition of Mackarel being caught before the firſt of *July* Repealed.

And be it further Enacted and Declared, That the Clauſe in the Act, Entituled, An Act *for the Regulating and Encouragement of Fiſhery,* That henceforth no Mackeril ſhall be Caught (except for ſpending whilſt freſh) before the firſt of *July* annually, be, and hereby is fully repealed and made void: Any thing therein to the contrary notwithſtanding.

Repeal of the paragraph in the Act for Settlement of Miniſters.

And whereas by one other Act, Entituled, An Act *for the Settlement and Support of Miniſters and School Maſters* amongſt other things therein *Enacted: It is Ordained,* That every Miniſter, being a perſon of good Converſation, Able, Learned and Orthodox, that ſhall be Choſen by the major part of the Inhabitants in any Town, at a Town Meeting duly warned for that purpoſe; notice thereof being given to the Inhabitants fifteen days before the time for ſuch Meeting) ſhall be the Miniſter of ſuch Town, and the whole Town ſhall be obliged to pay towards his Settlement and Maintainance; each man his ſeveral proportion thereof. Upon further conſideration of the ſaid Section or Paragraph in ſaid Act, and the impracticableneſs of the method therein propoſed for the Choice of a Miniſter, in divers Towns, wherein there are more Churches than one, and Inconveniencies attending the ſame not ſo well before ſeen.

It is Enacted and Declared, That the before recited Section or Paragraph, and all and every the Clauſes therein contained, ſhall from henceforth be Repealed and Revoked, and are hereby Repealed and utterly made void for ever: Any thing in the ſaid Act to the contrary notwithſtanding.

Miniſters how to be Choſen.

And it is further Declared and Ordained, That the Paragraphs and Sections hereafter following, **Be Enacted, and by the Authority aforeſaid are Enacted,** in Addition to the remaining part of ſaid Act relating to Miniſters: *That is to ſay,* That each reſpective gathered Church in any Town or Place within this Province, that at any time ſhall be in want of a Miniſter, ſuch Church ſhall have power according to the directions given in the Word of God to chooſe their own Miniſter.

And the major part of ſuch Inhabitants as do there uſually attend on the Publick Worſhip of God, and are by Law duly qualified for Voting in Town Affairs, concurring with the Churches Act, the perſon thus Elected and Approved, accepting thereof, and ſettling with them ſhall be the Miniſter, towards whoſe Settlement and Maintainance all the Inhabitants and rateable Eſtates lying within ſuch Town, or part of a Town, or place limited by Law for upholding the Publick Worſhip of God, ſhall be obliged to pay in proportion. *Provided,* That nothing herein contained is intended or ſhall be conſtrued to extend to Abridge the Inhabitants of *Boſton* of their accuſtomed

cuſtomed way and practice as to the Choice and Maintainance of their Miniſters.

Advice of Neighbouring Miniſters to be had.

Be it further Enacted, That in ſuch Towns or Places where there is no Church Gathered, the Rateable Inhabitants of ſuch Town or Place, at a Meeting duly warned for that purpoſe, (notice thereof being given fifteen days before the time of ſuch Meeting) by the major Vote of ſuch Aſſemby then and there met, with the advice of three Neighbouring Ordained Miniſters, ſhall Chooſe and Call an Orthodox, Learned and Pious Perſon, to Diſpenſe the Word of God unto them; to the Settlement and Maintainance of which Miniſter, all Rateable Eſtates, and Inhabitants within ſuch Town or place ſhall be aſſeſſed, and pay proportionably.

Seſſions of the Peace to provide Remedy in caſe of neglect of Maintenance of the Miniſtry.

And it is further Enacted by the Authority aforeſaid, That where any Town or Place ſhall be negligent of their Duty by Law required, reſpecting the Maintainance of the Miniſtry, the Court of Quarter Seſſions of the Peace within the ſame County, upon Complaint to them made, are Impowred and Required effectually to provide for Remedy thereof, and by Warrant from ſaid Court, to Convent before them the Select-men, or others ſpecially appointed by the Inhabitants of ſuch Town or place, to take care in that matter, (having accepted ſuch Betruſtment;) and upon Conviction of neglect therein, to impoſe a Fine upon the Delinquents not exceeding *Forty Shillings* each perſon for the firſt offence: And upon a ſecond conviction of ſuch neglect, to impoſe a Fine of *Four Pounds* upon each perſon, and the like Sum of *Four Pounds* for every after Conviction: Such fines to be Levied by Diſtreſs and Sale of the Offenders Goods returning the Over-plus (if any be) and to be diſpoſed to the uſe of the Poor of the ſame Town or place, by the Select-men, or Overſeers of the Poor.

An Act for the Regiſtring of Births & Deaths.

FOR preventing of great uncertainty and inconvenience that may happen, for want of a particular Regiſter of Births and Deaths.

Town Clerk to Regiſter Births and Deaths.

Be it Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That every Town Clerk within this Province, ſhall be, and is hereby Impowred and Required, to take an account of all perſons, that ſhall be Born, or ſhall Dye, within each Town reſpectively, and the Precincts thereof; and fairly to Regiſter in a Book, their Names and Sirnames, as alſo the Names and Sirnames of their Parents, with the time of their Birth and Death. And the Clerk ſhall demand and receive the Fee of *Three pence*, and no more, for each Birth or Death, by him ſo Regiſtred; to be paid by the Parents, or others nextly related to, or concerned with the party Born or Dying. And if any ſhall refuſe or neglect to give notice to the Town Clerk of the Birth or Death of any perſon that they are ſo related to, or concerned for; or to pay for Regiſtring as above ſaid; by the ſpace of Thirty Days next after ſuch Birth or Death: every perſon ſo refuſing or neglecting, and being (upon the complaint of any Town Clerk) thereof convicted before a Juſtice of Peace within the ſame County, ſhall forfeit and pay unto ſuch Clerk, the Sum of *Five Shillings*; to be Levied by Diſtreſs and Sale of the Offenders Goods by Warrant from ſuch Juſtice; if payment thereof be not made within four days next after Conviction as aforeſaid. And every Town Clerk ſhall give forth from the Regiſtry a fair Certificate under his hand of perſons Born or Dying in the Town, to any who ſhall deſire the ſame; and he ſhall receive *Six pence* and no more for every Certificate ſo given.

ACTS and LAWS,

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England.* Begun and Held at *Boſton* the Thirty firſt Day of *May,* 1693.

An Act for the Reſtraining the taking Exceſſive Uſury.

FORASMUCH as the abatement of Intereſt hath always been found Beneficial to the Advancement of Trade, and Improvement of Lands by good Husbandry; and whereas the taking of Eight in the Hundred for the Intereſt of Money, tends to the great diſcouragement of Ingenuity and Induſtry in the Husbandry, Trade, and Commerce of this Province.

Be it for the Reaſons aforeſaid, Enacted by the Governour, Council and Repreſentatives Convened in General Aſſembly, and it is Enacted by the Authority of the ſame, That no perſon or perſons whatſoever, from and after the firſt day of *Auguſt,* in the year of our Lord, One Thouſand Six Hundred Ninety Three; upon any Contract to be made after that time, ſhall take directly or indirectly, for Loan of any Monies, Wares, Merchandize, or other Commodities whatſoever, above the value of *Six Pounds* for the forbearance of One Hundred Pounds for a year; and ſo after that rate for a greater or leſſer Sum, or for a longer or ſhorter time; and that all Bonds, Contracts, Mortgages and Aſſurances whatſoever, made after the time aforeſaid, for the payment of any principal or Money lent or covenanted to be lent, upon or for Uſury, whereupon or whereby there ſhall be Reſerved, or taken above the rate of *Six Pounds* in the Hundred as aforeſaid, ſhall be utterly void; and that all and every perſon and perſons whatſoever, which ſhall after the time aforeſaid upon any Contract, take, accept and receive by way or means of any corrupt Bargain, Loan, Exchange, or by Coven, or deceitful conveyance, or by any other way or means whatſoever, for the forbearing or giving day of payment for one whole year, of, and for their Money or other thing or things above the Sum of *Six Pounds* for the forbearing of One Hundred Pounds for a year; and ſo after that rate for a greater or leſſer Sum, or for a longer or ſhorter time; ſhall forfeit and loſe for every ſuch Offence the full value of the Goods and Monies, or other things ſo lent exchanged, bargained, ſold, or agreed for; one Moiety thereof to Their Majeſties, towards the Support of the Government of this Province, and the contingent Charges thereof, the other Moiety to the Informer that ſhall Sue for the ſame; any Cuſtom, Uſage or Law to the contrary notwithſtanding.

Six pound *Per Cent.* Intereſt *per Annum* for loan of Money.

Penalty for Contracting for more

Provided, nothing in this Act ſhall extend to the letting of Cattle, or other Uſages of like nature, in practice amongſt Farmers, or Maritime Contracts among Merchants, as Bottommary, or courſe of Exchange as hath been heretofore accuſtomed.

A Saving.

An

An Act for Confirmation of Titles within the Iſlands of *Capawock, alias Martha's Vineyard,* and *Nantuckett.*

WHEREAS *Their Moſt Gracious Majeſties, our Soveraign Lord and Lady, King* William *and Queen* Mary, *in and by Their Royal Charter, or Letters Patents, bearing date at* Weſtminſter, *the ſeventh day of* October, *In the third year of Their ſaid Majeſties Reign; for the Uniting, Erecting & Incorporating of the Colony of the* Maſſachuſetts-Bay, *and Colony of* New-Plimouth, *the Province of* Main, *the Territory called* Accada, *or* Nova-Scotia, *and all that Tract of Land lying between the ſaid Territories of* Nova-Scotia, *and the ſaid Province of* Main, *into one real Province, by the name of the Province of the* Maſſachuſetts-Bay *in* New-England: *have therein particularly named, comprehended and included the Iſlands of* Capawock *and* Nantuckett *as part of the ſaid Province of the* Maſſachuſetts Bay, *and annexed the ſame thereto: And alſo all Iſlands and Iſlets, lying within Ten Leagues directly oppoſite to the main Land within the ſaid Bounds.*

And whereas Their ſaid Majeſties have alſo been graciouſly pleaſed in and by Their ſaid Letters Patents, to grant and ordain that all and every ſuch Lands, Tenements and Hereditaments and other Eſtates, which any perſon or perſons, or Bodies Politick and Corporate, Towns, Villages, Colledges or Schools, do hold and enjoy or ought to have, hold and enjoy within the bounds of the ſaid Charter, by or under any Grant or Eſtate duly made or granted, by any General Court formerly held, or by virtue of the Letters Patents herein before recited, or by any other lawful right or title whatſoever; ſhall be by ſuch perſon or perſons, Bodies Politick and Corporate, Towns, Villages, Colledges or Schools, their reſpective Heirs, Succeſſors and Aſſigns for ever hereafter held and enjoyed according to the purport and intent of ſuch reſpective Grant: Under and ſubject nevertheleſs to the Rents and Services thereby reſerved or made payable, &c. *as in and by the before recited Charter, or Letters Patents, reference thereto being had, doth and will more fully and at large appear.*

But foraſmuch as the ſaid Iſland of Capawock, alias Martha's Vineyard, *and the Iſland of* Nantuckett, *were for ſome time under the Rule and Government of the Province of* New York, *and the Properties and Titles of the Lands upon the ſaid Iſlands reſpectively, being derived and founded upon ſeveral Grants and Patents made and granted by the ſucceſſive Governours of the ſaid Province of* New-York; *and ſo legal there according to the conſtitution, uſage and cuſtom of the Government of ſaid* New-York. *And the Inhabitants and Proprietors of Lands within the ſaid Iſland of* Capawock, alias Martha's Vineyard *and the Iſland of* Nantuckett, *for their better quiet and ſatisfaction, deſiring this Courts confirmation of the ſame.*

It is therefore Declared and Enacted by the Governour, Council and Repreſentatives Convened in General Aſſembly, and by the Authority of the ſame, That all Lands, Tenements, Hereditaments and other Eſtates held and enjoyed by any perſon or perſons, Towns or Villages within the ſaid Iſlands of *Capawock,* alias *Martha's Vineyard* and *Nantuckett,* and each of them reſpectively, by or under any Grant or Eſtate duly made or granted by any former Government, or by the Succeſſive Governours of *New York,* or any other lawful Right or Title whatſoever; ſhall be by ſuch perſon or perſons Towns or Villages, their reſpective Heirs, Succeſſors and Aſſigns for ever hereafter held and enjoyed, according to the true purport and intent of ſuch reſpective Grant, under and ſubject nevertheleſs to the

Rents and Services thereby reſerved or made payable: And are hereby ratified and confirmed as fully and amply to all intents, conſtructions and purpoſes, as the Lands in any other parts or places within this Province, by virtue of Their Majeſties Royal Charter.

An Act for Encouraging the Killing of Wolves.

Wolves to be paid for out of the Town Stock.

Be it Enacted by the Governour, Council and Repreſentatives, Convened in General Aſſembly, and by the Authority of the ſame, That whoſoever hath ſince the *Fourteenth* day of *May*, One Thouſand Six Hundred Ninety & Two: or ſhall hereafter Kill any grown Wolf within this Province, and bring the head thereof unto the Conſtable of the Town in which ſuch Wolf ſhall be Killed, or to the Conſtable of the Town next Adjacent unto the place of Killing ſuch Wolf, without the bounds of any Townſhip, ſhall have a Receipt of the Conſtable for the ſame, and the Conſtable ſhall cut off both the Ears from ſuch Head; and the party producing the Conſtables Receipt unto the Select men of ſaid Town, or ſome one of them, ſhall be allowed and paid out of the Towns Stock, the Sum of *Twenty Shillings* for every Head as aforeſaid, of a grown Wolf by him Kill'd, and the Sum of *Five Shillings* for every Wolves Whelp.

And the better to furniſh the Select-men with a Stock ſufficient to anſwer ſuch Payments.

Select men to Aſſeſs their Town yearly for this occaſion, to be reimburſt out of the publick Treaſury.

It is further Enacted by the Authority aforeſaid, That the Select men of each Town reſpectively, ſhall be, and hereby are ſufficiently Authorized and Impowred to aſſeſs the Inhabitants of their Town yearly, in due proportion as near as they can, ſuch Sum and Sums as they ſhall judge neceſſary to ſerve that Occaſion, together with other Charges of the Town, and to cauſe the ſame to be Collected in manner as is by Law directed for the gathering of Town Rates: And all ſuch Sum and Sums of Money, ſo paid out of any Town Stock, for the Killing of Wolves, the ſame being made to appear, ſhall be allowed unto ſuch Town by the General Treaſurer of the Province out of the Publick Revenue.

ACTS and LAWS,

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*. Begun and Held at *Boston* the Thirty first day of *May*, 1693. and continued by Ajournment unto the Sixth day of *July* following.

An Act for thePartition of Lands &c. and the Recovery of Legacies at the common Law.

BE it Enacted by the Governour, Council and Representatives, Convened in General Court, and by the Authority of the same, That all persons having or holding, or that hereafter shall have or hold, any Lands, Tenements or Hereditaments, as Coparceners, joint-Tenants, or Tenants in Common, may be compelled by writ of Partition at the common Law to divide the same; where the parties cannot agree to make Partition thereof by themselves.

Partition of Lands betwixt Coparceners &c. to be forced by the common Law.

Provided this Act shall not be understood to repeal, or any ways alter any clause or clauses in the Act, *for Regulating of Town-ships*, referring to undivided or common Lands.

And it is further Enacted by the Authority aforesaid, That where any certain Legacy is or shall be bequeathed and given by any person in his or her last Will and Testament; As also where any residuary or uncertain Legacy is, or shall by the Accompt of any Executor be reduced to a certainty; every such Legacy and Legacies as aforesaid, may be Sued for, and recovered at the common Law; any Law, custom or usage to the contrary notwithstanding.

Legacies to be recovered at the common Law.

An Additional Act for the punishing of Criminal Offences.

WHEREAS the breach of sundry Criminal Laws of this Province, is only Punishable by Fines, and many times the breakers of them have not Money to satisfy the same.

Be it therefore Enacted by the Governour Council and Representatives, Convened in General Assembly, and by the Authority of the same, That henceforward it shall be in the power of any Justice of the Peace, that shall have Cognizance thereof, to Punish breakers of the Peace, Prophaners of the Sabbath, and unlawful Gamesters, Drunkards, or prophane Swearers or Cursers, by setting in the Stocks, or putting into the Cage, not exceeding three Hours, or Imprisonment twenty four Hours, or by Whipping, not exceeding ten Stripes; as the case may deserve, and where the offender has not wherewithal to satisfy the Law in that case provided.

Criminal Offences to be punisht by Setting in the Stocks &c. where the Offenders cannot otherwise satisfy the Law.

ACTS

ACTS and LAWS,

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*. Begun and Held at *Boſton* the Eighth Day of *November*, 1693.

An Act Relating to Sureties upon Mean Proceſs in Civil Actions.

BE it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame It is Ordered and Enacted, That where Bail is given upon Mean Proceſs in any Civil Action, not only for the appearance of the party to anſwer the Suit, but alſo to abide the Order or Judgment of the Court that ſhall be given thereon, every ſuch Surety or Sureties ſhall be obliged to ſatisfie the Judgment in caſe of the Principals avoidance, and the Return of *Non eſt inventus* upon the Execution; unleſs the Surety at the time of Entring up Judgment do bring the Principal into Court and move to be diſcharged; upon which the Court ſhall Order the Keeper of the Priſon to receive him into Cuſtody, that ſo his Body may be taken in Execution. And the party for whom the Judgment was given may have a Writ of *Scire Facias* out of the ſame Court againſt ſuch Surety or Sureties, and in caſe no juſt cauſe be ſhewn to the contrary, the Judgment ſhall be affirmed againſt the Surety or Sureties with the additional Coſts of Suit and Execution be accordingly granted.

Always Provided, That ſuch Writ of *Scire Facias* be taken out and ſerved upon the Surety within Twelve Months after the firſt Tryal and not afterward, and every Surety of whom ſuch recovery is made, may bring his Action for damages againſt the principal Debtor.

An Act for Paſſing of Sheriff's Accompts.

BE it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That every Clerk of the Peace in each County within this Province, and Clerk of Aſſize ſhall deliver unto the Sheriff of the County a perfect Eſtreat of all Fines, Iſſues, Amerciaments, Recognizances, Monies and Forfeitures impoſed, ſet, loſt or forfeited in any Seſſions of the Peace, Court of Aſſize and General Goal Delivery, or Special Court of *Oyer* and *Terminer*, by any Perſon, due to Their Majeſties within the ſpace of Thirty dayes next after the ending of the ſaid Courts reſpectively; and within ſaid time ſhall deliver unto the Treaſurer and Receiver General of ſaid Province, a perfect *Schedule* of all ſuch Eſtreats by him delivered to the Sheriff, on pain of forfeiting to Their Majeſties for the Support of the Government, the Sum of *Five Pounds* for each neglect, upon Conviction thereof before the Juſtices of the ſame Court.

And the Juſtices of each of ſaid Courts reſpectively are hereby Impowred to audit, examine and adjuſt the ſaid Accompts of the Sheriff, and upon Payment of what ſhall be found remaining due thereupon, to grant the Sheriff a *Quietus eſt*.

And whenſoever any Sheriff upon paſſing his Accompts ſhall have his

Quietus

Quietus eſt, he ſhall be thereby abſolutely diſcharged of all Sums of Money by him levied and received, and pretended not to be accompted for within the ſaid Accompt, whereupon he had his *Quietus*; unleſs ſuch Sheriff ſhall be called in queſtion for ſuch Sum or Sums of Money ſo pretended to be levied, within two years after the time of ſuch Accompt and *Quietus.*

An Act for Regulating of the Militia.

WHEREAS *for the Honour and Service of Their Majeſties, and for the Security of this Their Province againſt any Violence or Invaſion whatever: It is neceſſary that due care be taken that the Inhabitants thereof be Armed, Trained, and in a ſuitable poſture and readineſs for the ends aforeſaid; and that every Perſon may know his duty and be obliged to perform the ſame.*

Be it therefore Enacted by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and it is Ordained and Enacted by the Authority of the ſame.

1. THAT all Male Perſons from *Sixteen* years of Age to *Sixty,* (other than ſuch as are herein after excepted) ſhall bear Arms, and duely attend all Muſters and Military Exerciſes of the reſpective Troops and Companies where they are liſted or belong, allowing three Monthes time to every Son next after his coming to *Sixteen* years of Age; and every Servant ſo long after his time is out; to provide themſelves with Arms and Ammunition *&c.* Perſons liable to Train.

2. AND the Clerk of each Troop and Company once a Quarter yearly, ſhall take an Exact Liſt of all Perſons living within the Precincts of ſuch Troop or Company, and preſent the ſame to the Captain or Chief Officer, on pain of forfeiting *Forty Shillings* for each default, to be paid to the Captain or Chief Officer to the uſe of the Company. And in caſe of non payment, to be levied by diſtreſs and ſale of the offenders goods, by vertue of a Warrant from the Captain or Chief Officer, who is hereby Impowred to grant the ſame. Clerk to take a liſt four times a year

3. THAT every Perſon liſted in any Troop or Company ſhall ſo continue and attend all duty in ſuch Troop or Company, or otherwiſe ſuffer the penalty by Law provided, until orderly diſmiſt or removed out of the Town or Precinct; and in caſe of removal into the Precinct of another Company in the ſame Town, to produce a Certificate under the hand of the Captain or Chief Officer of the Precinct whereto he is removed, that he is liſted there. Perſons to attend duty where liſted till orderly diſmiſt.

4. IF any Perſon liable to be liſted as aforeſaid, do exempt himſelf by Shifting from houſe to houſe, or place to place, to avoid being ſo liſted; he ſhall pay as a Fine for every ſuch offence, to the uſe of the Company to which he belongs, *Ten Shillings,* being Convicted before any Juſtice of the Peace of the County. Penalty on ſuch as ſhall Shift to avoid liſting.

5. THAT every liſted Souldier and other Houſholder (except Troopers) ſhall be alwayes provided with a well fixt Firelock Musker, of Muſket or Baſtard Musket bore; the Barrel not leſs than three foot and a half long, or other good Fire Arms to the Satisfaction of the Commiſſion Officers of the Company, a Snapſack, a Coller with Twelve Bandeleers or Cartouch-box, Foot Souldiers how to be Armed.

box, one Pound of good Powder, twenty Bullets fit for his Gun, and Twelve Flints, a good Sword or Cutlash, a Worm and Priming-wire fit for his Gun; on penalty of *Six Shillings* for want of such Arms as is hereby required, and *Two Shillings* for each other defect, and the like Sum for every four weeks he shall remain unprovided; the Fine to be paid by Parents for their Sons under Age, and under their Command; and by Masters or heads of Families, for their Servants, other than Servants upon Wages.

Troopers how to be furnished.

6. THAT every Trooper shall be always provided with a good serviceable Horse of Five Pounds value, and not less than fourteen hands high, (the same to be determined by the two chief Commission Officers) covered with a good Saddle, Bit, Bridle, Holsters, Pectoral and Crooper; and furnished with a Carbine, the Barrel not less than two foot and half long, with a Belt and Swivel, a case of good Pistols; with a Sword or Cutlash, a Flask or Cartouch box; one pound of good Powder, three pounds of sizeable Bullets, twenty Flints, and a good pair of Boots and Spurs; on penalty of *Twelve Shillings* for want of such Horse as is hereby ordered, and *Three Shillings* a piece for every other defect, and the like Sum for every six weeks he shall remain unprovided: and that each Trooper list his Horse, and shall not dispose thereof without the consent of his chief Officer on the penalty of *Five Pounds*: And for non-appearance at the time and place appointed for Exercise, every listed Trooper for each days neglect shall pay *Ten Shillings* Fine.

7. THAT there may be two Troops in a Regiment, each of which Troops shall not exceed Sixty men with Officers.

Regimental Musters, & Training of particular Companies.

8. THAT Regimental Musters shall be but once in three years, (except in *Boston*) And every Captain or Chief Officer of any Company or Troop in any Regiment, shall be obliged on penalty of *Five Pounds*, to draw forth his Company or Troop, or cause them to be drawn forth four days Annually, and no more, to Exercise them in Motions, the use of Arms, and Shooting at Marks, or other Military Exercises, which every person liable to Train, having been duly warned, and not appearing and attending the same, shall for each days neglect pay a Fine of *Five Shillings*.

Commission Officers power.

9. THAT the Commission Officers of any Company or Troop, or the major part of them, may order the correcting and punishing disorders and contempt on a Training Day, or on a Watch, the punishment not being greater than laying Neck and Heels, Riding the Wooden Horse, or *Ten Shillings* fine.

Military Watches.

10. THAT there be Military Watches appointed and kept in every Town at such times, in such places, and in such numbers, and under such Regulations as the chief Military Officers of each Town shall appoint, or as they may receive Orders from the Chief Officer of the Regiment: And that all persons able of Body, or that are of Estate (and not exempted by Law) shall by themselves or some meet person in their stead, to the acceptance of the Commander of the Watch, attend the same, on penalty of *Five Shillings* for each defect; there having been due warning given.

Penalty for not attending Military Exercises.

11. EVERY Souldier or other person liable by Law, refusing or neglecting to attend Military Exercises, on Training days; or Military Watches, that shall not pay, or have no Estate to be found whereon to levy the fine, it shall be in the power of the Captain, or Chief Officers of such Company on the next Training day after such neglect (he not having satisfyed the Clerk) to punish him for such offence, by laying Neck and Heels, or Riding the Wooden Horse, not exceeding one Hours time: And if such Delinquent

shall

ſhall abſent himſelf the ſecond Training day, without giving ſufficient reaſon to the Captain, or Chief Officer for the ſame; it ſhall be in the power of the Chief Officer of the Company to direct a Warrant to the Conſtable of the Town, requiring him to apprehend ſuch Delinquent, and bring him into the Field, that he may be puniſht according as by this Law is provided: And all Conſtables are hereby Required to Execute ſuch Warrants accordingly.

Perſons Exempted from Training.

12. THAT the Perſons hereafter named be Exempted from all Trainings, *viz.* The *Members of the Council*, the *Repreſentatives*, for the time being, the *Secretary*, *Juſtices of the Peace*, *Præſident*, *Fellows*, *Students*, and *Servants of Harvard Colledge* Exempted by *Colledge-Charter*, *Maſters of Art*, *Miniſters*, *Elders and Deacons of Churches*, *Sheriffs*, allowed *Phyſicians*, or *Chyrurgeons*, and profeſt *School-Maſters*, all ſuch as have had Commiſſions, and Served as Field-Officers, or *Captains*, *Lieutenants*, or *Enſigns*, *Coroners*, *Treaſurers*, *Attourney General*, *Deputy-Sheriffs*, *Clerks of Courts*, *Conſtables*, conſtant *Ferrymen*, and one *Miller* to each *Griſt-Mill*: *Officers* imployed in and about Their Majeſties *Revenues*, all *Maſters of Veſſels* of Thirty Tons and upwards, uſually imployed beyond Sea, and conſtant *Herdſmen*, *Lame perſons* or otherwiſe diſabled in Body (producing Certificate thereof from two able *Chyrurgeons*) *Indians* and *Negroes*.

Perſons Exempted from Military Watches &c.

13. THAT the Perſons hereafter named be and hereby are Exempted from Military Watches and Wardings, *viz.* The *Members of the Council*, *Secretary*, *Repreſentatives*, for the time being, *Præſident*, *Fellows*, *Students of Harvard Colledge*, and the Gentlemen belonging to the Troop of the *Governours Guard*, *Miniſters* and *Elders of Churches*, allowed *Phyſicians* and *Chyrurgeons*, *Conſtables*, conſtant *Ferrymen*, and one *Miller* to each *Griſt-Mill*.

Commiſſion Officers to appoint Serjeants and Corporals.

14. THAT the Captain & Commiſſion Officers of each Company or Troop ſhall and hereby are fully impowred to nominate and appoint meet perſons to Serve as Serjeants and Corporals in the reſpective Companies or Troops, and diſplace them, and appoint others in their room, as they ſhall ſee meet.

View of Arms.

15. THAT twice every year or oftner, if required, every Captain or Chief Officer of each Company or Troop ſhall give order for a diligent enquiry into the ſtate of his Company, and for taking an exact Liſt of the Names of his Souldiers, and Inhabitants within the Limits of his Company, and of the defects of Arms or otherwiſe, and names of the defective perſons, that they may be proſecuted as the Law hath provided, and ſuch care may be taken as is proper to remedy the ſame.

How perſons unable to purchaſe Arms may be provided.

16 THAT if any perſon who is by Law obliged to provide Arms & Ammunition, cannot purchaſe the ſame by ſuch means as he hath, if he bring to the Clerk of the Company, Corn or other Merchantable Proviſion, or vendible Goods, ſo much as by Apprizement of the Clerk and two other perſons mutually choſen, ſhall be judged of greater value by one fifth part than ſuch Arms or Ammunition is of: he thereupon ſhall be excuſed from the penalties for want of Arms and Ammunition, until he can be provided, which ſaid Clerk ſhall provide as ſoon as may be by ſale of ſuch goods, and render the overplus to the party, if any be: But the party ſhall notwithſtanding give his perſonal attendance upon all occaſions as other Souldiers, until he be ſupplied, and at ſuch times ſhall perform any proper Service he may be put upon by the Captain or Chief Officer of the Company he belongs to; but if the perſon be judged unable to buy Arms, or to lay down the value propoſed, if he be a ſingle man, he ſhall be put out to Service by the two next Juſtices of Peace to earn wherewith to buy Arms and Ammunition; if ſuch perſon have a Family and be judged unable, by the Captain and major part of the Select men to lay down ſuch value for the end aforeſaid, then he ſhall be provided for out of the Town Stock, or by Arms procured at the

Towns charge, until ſuch time as he be judged able to provide for himſelf, and ſuch Arms to be under the care of the chief Military Officer & the Select men of the Town.

How Drums Trumpets &c. are to be provided.

17. THAT Drums, Drummers, Trumpets, Trumpeters, Colours & Banners be by the Commiſſion officers of each Troop or Company provided at the charge of the reſpective Companies and Troops where there are not already provided, and the fines will not reach to procure the ſame, and that ſuch as have been imployed as Drummers or Trumpeters, or are fit and capable thereof, being appointed unto ſuch Service by the Chief Officer of any Company or Troop, ſhall attend the Service, on penalty of *Forty Shillings* fine, and every Drummer for a years Service ſhall have *Twenty Shillings* if he find his own Drum, & *Ten Shillings* if the Captain finds the Drum; and a Trumpeter *Forty Shillings* a year, if he find his own Trumpet; and *Twenty Shillings*, if the Captain finds it.

Penalty for refuſing to Serve as Clerk.

18 THAT ſuch meet perſon as by the Commiſſion Officers of any Company or Troop ſhall be appointed Clerk, and ſhall refuſe to ſerve, ſhall pay *Forty Shillings* fine, and another be choſen in his room, and ſo until one do accept; which perſon ſhall be under Oath for the faithful diſcharge of his Office, to be Adminiſtred unto him by a Juſtice of Peace in the ſame County, in the words following.

Oath.

You do Swear truly to perform the Office of Clerk of the Military Company under the Command of A. B. *Captain, to the utmoſt of your skill and power in all things appertaining to your Office according to Law:* So help you God.

Allowance.

And for every diſtraint made for any fine not exceding *Forty Shillings*, he ſhall have one quarter part for his pains and trouble. And for ſuch fines he may diſtrain *Ex Officio*; and in diſtraining ſhall obſerve ſuch Rules as the Law hath provided in other caſes; and upon ten days notice ſhall account with and pay to the Captain or Chief Officer what fines he hath received, his own part being deducted.

Meeting of the Chief Officers of the Regiment

19. THE Chief Military Officer of each Regiment as often as he ſhall ſee cauſe, ſhall require the Captain or Chief Officer of each Company in his Regiment to meet at ſuch time and place as he ſhall appoint, and then with them to conſer and give in charge ſuch Orders as ſhall by them, or major part of them be judged meet, for the better ordering and ſetling their ſeveral Companies, and for the better promoting of Military Diſcipline amongſt them. And the Chief Officer is hereby impowred by his Warrant directed to any Clerk or Officer of his Regiment to ſummon or cauſe to be brought before them any Their Power Offender againſt the Laws Military, and according to Law to hear and determine all matters proper for their Cognizance, and to give ſentence, & to grant Mittimus or Warrants for Diſtraint to the Clerk of the Company where the Offence is committed, for executing which Warrant, if above *Forty Shillings*, he ſhall have *Ten Shillings* out of the ſame for his pains and trouble therein; and no more.

Town-ſtock of Ammunition, &c.

20. THAT there be a ſtock of Powder and Ammunition in each Town provided, and from time to time as there is need, be renewed by the Select-men; which ſhall be a barrel of good Powder, two hundred weight of Bullets, and three hundred Flints for every ſixty liſted Souldiers, & after that proportion for the liſted Souldiers of each Town, whether more or leſs; Alſo that the Select-men procure ſuch a number of Arms, and ſo much Ammunition as ſhall be made appear by the chief Commiſſion Officers of each Company in the ſeveral Towns to be needful for the ſupply of ſuch Poor as by Law they are to provide for: And ſuch Town as cannot make it appear to the chief Commander of the Regiment that they are thus provided at or before the firſt of *May* next, ſhall pay *Five Pounds* fine, which ſhall be diſtrained by Warrant from ſaid Officer directed unto the Conſtable upon the Select men of the Town or any of them, and diſpoſed of for the uſe of ſaid Town towards the ſupply of ſuch Stock; and the like Sum for every three months they ſhall remain ſo unprovided.

Penalty for being unprovided.

21.

21. AND the Select-men where there is not a ſufficient Stock of Powder, Arms and Ammunition, and in ſuch Towns where there is need of Watch-houſes, Firing and Candles for their Watches; in ſuch caſe the Select-men for ſo much as is wanting are to procure or ſatisfy what is required or needed as before, & ſhall make proviſion for the ſame by a Rate equally and juſtly laid upon the Inhabitants and Eſtate in ſuch Towns, and ſuch Rate ſigned and committed by them to the Conſtables to collect, who ſhall, and hereby are required and authorized to collect the ſame; and for non-payment to diſtrain as for other Rates, and the Money or pay collected to be brought in to the chief Military Officers and Select-men of the Town, to be by them improved for the ends aforeſaid. And the Select-men or ſo many of them as ſhall neglect their duty herein, ſhall pay *Twenty Shillings* fine, to be paid to the Captain for the uſe of the Company, being convict before two Juſtices of the Peace, who are hereby impowred to convent the party, and to hear and determine the ſame, and if need be, to appoint other meet perſons in ſuch Towns under the like penalties to perform ſaid Service.

Select-men to make a Rate for buying of Ammunition &c. in caſe.

Penalty for neglect.

22. THAT no Clerk *Ex Officio* make diſtraint for any fine until four days after the Offence committed; that ſo the party may have opportunity to make excuſe, if any he have, why he ſhould not pay the fine; and every Clerk that neglects or refuſes to account or make payment, as by this Law is provided, he by a Warrant from the Chief Officer of the Company directed to the Conſtable, may be diſtrained on for ſo much as he hath or ſhould have collected or diſtrained for.

Clerk *ex Officio* not to diſtrain with in four days.

Penalty for his neglect to account &c.

23. THAT all Officers yield Obedience to the Warrants or Commands of their Superiour Officers on penalty of *Five Pounds*; to be heard and determined at the next meeting of the Chief Officers and Captains of the Regiment; and the fine to be taken by diſtreſs and ſale of the Offenders Goods, (returning the Over-plus if any be) by Warrant from the Chief Officer of the Regiment, directed to the Clerk of the Company to which ſuch Offender belongs, and to be improved to the uſe and benefit of ſuch Company as the Officers ſo met ſhall agree, their Expences being firſt defray'd out of the ſame.

Penalty for Officers diſobeying their Superiour Officers.

24. THAT an Alarm at the Caſtle upon Caſtle-Iſland near *Boſton*, being made upon ſuch cauſes as are agreable to Inſtructions to be given by the Governour to the Captain of the Caſtle, ſhall be by putting out two Flaggs, and firing of two Guns towards the Town; at which time there ſhall with all poſſible ſpeed ſuch numbers be ſent down for their relief, as the Governour and Captain General, or ſuch perſon as ſhall be Commander in Chief in his abſence, ſhall think neceſſary. At any other place an Alarm may be made by firing three Guns one after another, or by firing a Beacon, their Drums beating an Alarm, all perſons being called upon to Arm: Upon which all the Trained Souldiers, and others capable to bear Arms that are then Reſident in any Town, ſhall forthwith appear compleat with their Arms and Ammunition according to Law, at the uſual place of Rendezvouz, or where the Chief Officers ſhall appoint; there to attend ſuch Commands as ſhall be given for Their Majeſties Service, and that on the penalty of *Five Pounds* fine, or three months Impriſonment: The Members of the Council, Juſtices and Sheriffs to attend upon the Governour, if at or near *Boſton*, and in other places, to appear and adviſe with the Chief Military Officers of the Town, and to be aſſiſting in Their Majeſties Service according to their Quality; & ſuch Alarms ſhall at all times be carried on from Neighbourhood to Neighbourhood, & from Town to Town throughout the Province & from ſuch Town where the Alarm is made, there ſhall be forthwith diſpatch'd one or more Horſe men to ſignifie the occaſion thereof to the Juſtice of Peace, Chief Military Officer or Conſtable of the next Town or Towns, which all perſons are to take notice of.

Alarm.

Penalty for not appearing upon an Alarm.

Relief be ſent to Frontiers.

and attend as is before directed: And if the Alarm be made either from a Sea-port Town, or other Town that lyes a Frontier to, or in great danger of the Enemy; the Captain or Captains of the Adjacent Towns ſhall forthwith go with or ſend ſuch relief as they ſhall judge meet for the offence of the Enemy, or defence of themſelves and Neighbours, but ſo as to be obſervant to any Commands or Orders they may receive from their Superiour Officers: And if any perſon ſhall wilfully make a falſe Alarm, he ſhall be fined to Their Majeſties *Twenty Pounds* for ſupport of the Government, or ſuffer ſix months Impriſonment.

Penalty for a falſe Alarm

25. NO Officer Military or Civil, or other perſon ſhall Quarter or Billet any Souldier or Seaman upon any Inhabitant within this Province, without his conſent (other than the Publick Licenſed Houſes) under the penalty of *One Hundred Pounds*; to be recovered by Action, Bill, Plaint or information, in any Court of Record; one half to Their Majeſties, for the ſupport of the Government; the other half part to the party grieved that ſhall inform and ſue for the ſame. And every ſuch Inhabitant may refuſe to Quarter any Souldier or Seaman notwithſtanding any order whatſoever.

Penalty for quartering Souldiers &c. upon Inhabitants.

See Additional Act page

26. THAT all perſons Exempted by this Law from Trainings, ſhall notwithſtanding be provided with Arms and Ammunition compleat upon the ſame penalty as thoſe that are obliged to Train.

27. ALL Fines, Penalties and Forfeitures ariſing by Virtue of this Act or any breach thereof (not otherwiſe diſpoſed of therein) ſhall be for the uſe of the Regiment, Company, or Troop reſpectively: *That is to ſay,* for procuring and repairing Drums, Trumpets, Colours, Banners, Halberts, paying of Drummers and Trumpeters, or other Charge of ſaid Company; and the over plus (if any be) to be laid out in Arms and Ammunition for a Town Stock, and be recovered by Action, Bill, Plaint, or Information in any of Their Majeſties Courts of Record.

Fines & forfeitures how to be diſpoſed & recovered.

An Act for putting and keeping in repair the Town-houſe in *Boſton.*

WHEREAS *the Town-houſe in* Boſton *within the County of* Suffolk *has formerly been and is ſtill continued to be made uſe of for the holding of Councils, Courts of Judicature, and other Publick Aſſemblies for the whole Province; and has been accuſtomed to be upheld and repaired in part at the charge of the late Colony of the* Maſſachuſetts, *part at the charge of the ſaid County, and part at the charge of the ſaid Town.*

Be it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That the Charges of Repairing the ſaid Houſe be from time to time continued to be anſwered and paid in proportion following; *That is to ſay,* one half part thereof out of the Publick Revenue of the Province; one quarter part out of the Treaſury of the ſaid County; and the other quarter part out of the Treaſury of the ſaid Town. And the Select-men of *Boſton,* from time to time as there ſhall be need, are to take care that the ſaid Houſe be ſufficiently Repaired, and to lay the Accompt of the Charge before the Governour and Council; as alſo before the Juſtices in Quarter Seſſions, that ſo orders may be reſpectively given as well for payment of the part belonging to the Province, as that belonging to the County, according to this Act.

Charge of Repairing the Town-houſe in *Boſton* proportioned.

An Act for High-wayes.

FOR the better amending and keeping in repair and clear the High-wayes, and common Roads, leading from Town to Town and place to place; and for laying out new High-wayes, and turning old High-wayes where it ſhall be needful.

Be it Enacted by the Governour Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That there be Annually choſen two or more Free-holders in each Town reſpectively within this Province, to be Surveyers of the High-ways, who ſhall be Sworn before ſome Juſtice of the Peace in the County, diligently and faithfully to perform the ſaid Office for the year enſuing; which Surveyers ſhall take care that all High ways, Private ways, Cauſeys and Bridges lying within the Precincts of ſuch Town, be kept in repair, and amended from time to time, when and ſo often as ſhall be needful, at the Charge of ſuch Town (where it is not otherwiſe ſetled) that ſo they may be ſafe and convenient for Travellers, Teems, and Drovers: And the Surveyers are hereby Impowred to cut down, dig up or remove, as well all ſorts of Trees, Buſhes, Stones, Fences, Rayles, Gates, Incloſures, or other thing or things, as may any ways ſtreighten, hurt, hinder or incommode the High-ways: As alſo to dig for Stone or Gravel, Clay, Marl, Sand or Earth in any Land not planted or incloſed, and to preſs any Carriage, Work-men or other things fit to be employed in the High-ways, for ſuch reaſonable ſatisfaction to the parties concerned as ſuch Surveyers can agree for; and in caſe of diſagreement, ſuch as the two next Juſtices ſhall appoint.

Surveyers of High-ways to be annually choſen and Sworn.

Their Power

And the Surveyers ſhall appoint certain days for providing materials and working in the High-ways; having reſpect to the ſeaſon of the year, and the Weather, and giving convenient publick notice; at which days all perſons liable to work (*That is to ſay*, from ſixteen years old and upward) by themſelves or other ſufficient perſons in their ſtead, ſhall attend: And if any perſon make default of attending the ſaid work, by himſelf or other ſufficient perſon in his ſtead, or with his Cart and Teem, as he ſhall be appointed, upon complaint and proof thereof before the next Juſtice of Peace (without reaſonable excuſe made and allowed by ſuch Juſtice) he ſhall cauſe to be levyed of every ſuch Offenders Goods, the Sum or Penalty of *Two Shillings Six pence* for each days neglect of Labour, beſides the Charge of making Diſtreſs; and for default of their Cart and Teem, *Six Shillings Per Diem*, with Charge of Diſtreſs as aforeſaid.

Surveyers to give publick notice for working on the High-ways.

Penalty for non attendance.

And further it is Enacted by the Authority aforeſaid, That where a new High-way or common Road from Town to Town, or place to place ſhall be wanting, and where old ways with more conveniency may be turned or altered upon application made to the Juſtices in Quarter Seſſions, within the ſame County, the ſaid Court may appoint a Committee of two or three ſufficient Freeholders of the next Towns, who ſhall have moſt occaſion of ſaid way, to inquire into the neceſſity and conveniency thereof, and to make their Report thereon; and being judged to be of common neceſſity or conveniency, the Juſtices of ſaid Court ſhall order a Warrant to the Sheriff or his Deputy to Summon a Jury out of the next Towns, to meet at ſome convenient day and place therein mentioned, to view and lay out ſuch High-ways or Roads, who ſhall have an Oath Adminiſtred unto them by a Juſtice of Peace, to lay out ſuch way according to the beſt of their skill and judgment, with moſt conveniency to the Publick, and leaſt prejudice or damage to any particular perſon; which having done, the Sheriff or

Quarter Seſſions to give order for laying out new High-ways or altering old ones.

his Deputy is to make return thereof, at the next Court of Quarter Seſſions of the County where the ſame way is, as well under his own as the hands of the Jurors, by whoſe Oath the ſame is laid out, to the end the ſame may be allowed and recorded, and after known for a publick High way.

Damage in proprieties to be made good

Provided that if any perſon be thereby damaged in his propriety or improved grounds, the Town ſhall make him reaſonable ſatisfaction by the Eſtimation of thoſe that laid out the ſame: And if ſuch perſon ſo damaged find himſelf agrieved by any act or thing done by the Jury, either in laying of the ſaid way, or eſtimate of his damages, he may apply unto the Court of Quarter Seſſions for relief, before any allowance or determination be made by them; who are hereby Impowred to hear and determine the ſame; but if no ſufficient cauſe appear for complaint, he ſhall pay all Charges ariſing thereby.

Select mens power to lay out private ways.

Recompence for damage.

And be it further Enacted, That the Select-men of each Town reſpectively be, and are hereby Impowred, by themſelves or others whom they ſhall appoint, to lay out or cauſe to be laid out, particular and private wayes for ſuch Town only, as ſhall be thought neceſſary; ſo as no damage be done to any particular perſon in his Land or Propriety without due recompence to be made by the Town, as the Select men and the party intereſted may agree; or as ſhall be ordered by the Juſtices in Quarter Seſſions upon inquiry into the ſame by a Jury to be Summoned for that purpoſe.

Nuſance upon high-ways to be removed.

And it is further Enacted, That if any perſon or perſons ſhall erect or ſet up any Gates, Rayles or Fence upon or a croſs any High-way or Country Road, or continue any ſuch to the annoyance & incumbrance of the ſame (other than ſuch as ſhall be allowed by the Court of Quarter Seſſions within the County) it ſhall be deemed a common Nuſance, and it ſhall be lawful for any perſon or perſons to pull down and remove the ſame: And if any ſuch incumbrance be in any particular or private way, allowed and ſetled by any Town, upon complaint thereof made to the next Juſtice of the Peace, he ſhall appoint a Committee of two or more diſcreet and indifferent perſons to view ſuch incumbrance and cauſe the ſame to be removed: And if any perſon be agrieved at the removal of any ſuch Gate, Bars or Fence, he ſhall be heard at the Quarter Seſſions within the ſame County, and upon juſt cauſe ſhewn, ſhall be by them relieved.

See Act in Addition, page

Damage happning through defects in Wayes or Bridges, to be made good by the County or Town.

And be it further Enacted by the Authority aforeſaid, That if through neglect or not keeping in ſufficient repair any High way, Cauſey-way, or Bridge, any perſon happen to loſe his life in paſſing any ſuch High way, Cauſey way or Bridge, or loſe a Limb, break a Bone, or receive any bruiſe or breach in any part of his Body, through any defect in or want of neceſſary repair of ſuch High way, Cauſey-way or Bridge; the County or Town reſpectively to which of right it belongs to maintain and keep the ſame in repair, having been warned or notified of ſuch defect and need of repairs and amendment thereof, either in writing under the hand of two witneſſes, or by preſentment thereof made at the Seſſions of the Peace; ſhall pay unto the Parents, Husband, Wife, Children or next of Kin to any perſon ſo loſing his or her life, the Sum of *One Hundred Pounds*; and for any other harm as aforeſaid, double the damage ſuſtained thereby; to be ordered and ſet upon them by the Juſtices of the ſame County in Quarter Seſſions; who are hereby Impowred thereto; and to render like recompence for any carriage Cart, Horſe or other Beaſt harmed or loſt, proportionable to the damage ſuffered.

And if any perſon choſen a Surveyer ſhall refuſe to accept and take his

his Oath, he ſhall forfeit *Twenty Shillings*, and having accepted do neglect his duty ſhall forfeit for every neglect, *Five Pounds*; the ſaid forfeitures reſpectively to be to the uſe of the Town, and to be recovered by complaint before the next Juſtice of Peace, or at the Seſſions of the Peace in the ſame County. Penalty on Surveyers refuſing to accept or neglecting their duty.

No Perſon to be charged above a due proportion to the High-wayes either in Labour or Teems.

An Act for Regulating of Fences, Cattle, &c.

FOR the better preventing of damage in Corn-fields, and other improved and common Lands, by Horſes, Neat Cattle, Sheep or Swine, going at large.

Be it Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That in every Town and Peculiar within this Province, there be Annually choſen by the Inhabitants thereof (at the time of their Meeting, to chooſe Select-men and other Town Officers) two or more meet perſons, to be Viewers of Fences; who ſhall be Sworn before a Juſtice of Peace, to the faithful diſcharge of their Office, in the particulars committed to their care by this Act: As alſo two or more perſons for Hawards or Field-drivers. And that all Fences of four foot high, being of five Rayls, or four that are equivalent, Boards, Stone-wall, Brooks, Rivers, Ponds or Cricks equivalent thereto, in the judgment of the Fence-viewers, ſhall be accounted ſufficient Fences: And all Fences in common fields and other grounds under improvement that ſhall be judged inſufficient by the Fence-viewers, and notice thereof given to the party that of right ought to maintain the ſame, he ſhall ſufficiently repair and amend all defects therein within the ſpace of ſix days next after ſuch notice given him; and in caſe of his neglect, the Fence-viewers are hereby impowred and ordered forthwith to cauſe ſuch defective Fence or Fences to be ſufficiently made up and repaired; and the perſon or perſons to whom it belongs to make good ſuch Fence, ſhall pay double the coſt and charge expended for doing of the ſame. And in caſe of refuſal or neglect, to make payment as aforeſaid, by the ſpace of one month next after an accompt preſented, and demand thereof made, ſuch Fence viewers may recover the ſame by Action, Plaint or Information, to be brought before any Juſtice of the Peace within the ſame County, if the Sum exceed not *Forty Shillings*; but if it be above that Sum, then in the Inferiour Court of Common Pleas.

Fence-viewers to be choſen and ſworn.

Hawards or field-drivers.

Fences of four foot high to be accounted ſufficient.

Penalty for not repairing inſufficient Fence.

How to be recovered.

And it is further Enacted by the Authority aforeſaid, That no perſons other than Proprietors and Freeholders in any Town or Peculiar, ſhall let any Horſe or Horſe kind run to feed upon any common Land belonging to ſuch Town or Peculiar, and every ſuch Proprietor and Freeholder may keep one Horſe beaſt upon the Common and no more, except ſuch Proprietors and Freeholders, every of whom have a rateable Eſtate within ſuch Town or Peculiar, of the value of *Fifty Pounds*, they to have the priviledge of two and no more.

None but proprietors & freeholders to have any Horſe run to feed on the common.

And the Owners of all Horſe kind going upon the Common are required to cauſe the ſame to be entred with the Town Clerk, who is to keep a Book for that purpoſe, and therein ſet down as well the natural as artificial marks, and for every ſuch Horſe or Horſe-kind, ſhall pay a Fee of *Three-pence* to the Clerk for his Entry: Such entry to be made at or before the tenth day of *April*

Horſes going on the common to be Entred with the Town Clerk.

April next, and ſo annually, on pain that every perſon neglecting ſo to do, ſha'll forfeit and pay the Sum of *Ten Shillings* for each default. And if any Freeholder or proprietor ſhall deſire to put more Horſes upon the Common than is herein before allowed, he ſhall firſt repair to the Town Clerk, and make Entry of the number and marks thereof as aforeſaid, and pay the Fee as aforeſaid for every ſuch entry, as alſo the Sum of *Five Shillings per* head, *per Annum*, to the uſe of the Proprietors of ſuch Commons, on pain of forfeiting the Sum of *Ten Shillings per* head for ſuch neglect.

Perſons to be annually choſen to ſee to the obſervance of this Act.

And every Town and Peculiar within this Province are required to chooſe Annually two meet perſons to ſee to the due obſervance of this Act relating to Horſes, and to proſecute the breakers thereof: And if any perſon ſo choſen ſhall refuſe to ſerve, or neglect his duty in any of the particulars herein committed to his care, he ſhall forfeit and pay the Sum of *Twenty Shillings* to the uſe of ſuch Town.

Town Clerk to account annually.

And the Town Clerk of each Town reſpectively ſhall once in the year give an account and pay in to the Select-men of the Town ſo much as he ſhall receive by virtue of this Act for any Horſe kind going upon the Common.

Penalties and forfeitures how to be diſpoſed.

All penalties and forfeitures ariſing for breach of this Act relating to Horſes going upon the Common, ſhall be one Moiety thereof unto the uſe of the perſons to be appointed to ſee to the obſervance of this Act, and the other Moiety to him or them that ſhall inform and ſue for the ſame, before any Juſtice of the Peace within the County.

Swine to be yoked and ringed.

And be it further Enacted by the Authority aforeſaid, That all Swine going at large on the Commons, ſhall be ſufficiently Yoked from the firſt of *April* to the fifteenth of *October* yearly; **and Ringed in the Noſe** all the year. And if any Swine be found unyoked or unringed, their Owners ſhall be liable to pay *Six pence per* head; and if found damage feaſant being unyoked or unringed to pay *Twelve pence per* head, over and above double damages to the party injured. And the Haward or Field driver or any other perſon may take up and impound ſuch Swine.

Fee for impounding

And that there be paid unto the Haward or Field-driver, *One Shilling per* head for all Neat Cattle or Horſes, and *Three pence per* head for all Sheep and Swine by him impounded: And to the Pound-keeper *Two pence per* head for all Neat Cattle or Horſes, and *One penny per* head for all Sheep or Swine, for taking in and letting out, to be paid by the Owners of ſuch Creatures.

Penalty for Sheep going on the common without a keeper.

And that for every Sheep in every Town going on the Commons without being under the hands of a Shepherd, from the firſt of *May* to the laſt of *October* in every year; the owners or keeper of the ſaid Sheep ſhall pay the Sum of *Three-pence* for every Sheep at any time ſo found running on the Common, not under the hand of a Shepherd or Keeper, betwixt the firſt of *May*, and laſt of *October* yearly.

An Act for Enabling the Treaſurer to call in the Arrears of Publick Rates, and diſcharging of Publick Debts.

WHEREAS *by an Act made by this Court in the year One Thouſand Six Hundred Ninety Two; in the firſt Seſſions Entituled,* An Act for the Enforcing, Collecting and Paying in the Arrears of Publick Aſſeſsments, *&c. The Conſtables and Collectors were thereby Enabled to Collect ſaid Aſſeſsments, and*

and ordered to Accompt with and make payments unto the reſpective Treaſurers; and for defect to be diſtrained as by ſaid Act doth more fully appear: *Notwithſtanding which many Conſtables and Collectors have neglected to Accompt with and pay to the reſpective Treaſurers, as by ſaid Act they were enjoyned; yet for ſuch their neglect have not been proceeded with as ſaid Law hath directed: By reaſon whereof great Sums remain uncollected, and many perſons unpaid their juſt dues.*

Be it therefore Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That all Conſtables or Collectors that have had any Tax or Publick Aſſeſſment committed to them to collect in any Town, Village or Precinct, within the late Colonies of the *Maſſachuſetts* or *Plimouth*, ſince the firſt of *October, One Thouſand Six Hundred Eighty nine*, until the Arrival of His Excellency the Governour; do forthwith Accompt with and pay to the Treaſurer of the Province ſo much of ſuch Taxes or Aſſeſſments as is in their hands, or that they have not already paid; or orderly diſcharged themſelves of; which if they ſhall neglect or refuſe to do; the Treaſurer is hereby impowred and required to Iſſue out Warrants for ſo much as they have not paid or diſcharged themſelves of as aforeſaid, directed unto the Sheriff of the County where any ſuch defective Conſtable or Collector dwells, requiring him to levy all ſuch Arrears by diſtreſs and ſale of ſuch Conſtable or Collectors Eſtate, real or perſonal, returning the over-plus (if any be) and if no Eſtate can be found, or not ſufficient to diſcharge the ſame; then to commit him or them unto the Goal of the County, there to remain until he or they have paid and ſatisfyed ſuch Arrears with charges; except any Conſtable or Collector as the Treaſurer, by order of the Governour and Council ſhall be directed to forbear, either for the whole or part in order to his procuring an abatement) as this Act hath hereafter provided.

Conſtables or Collectors to accompt for & pay in the Arrears.

Upon neglect the Treaſurer to grant Warrants for diſtreſs.

And the Treaſurer is hereby Ordered out of the Arrears of the whole Aſſeſſments, whether on the late Colonies of the *Maſſachuſetts* or *Plimouth*; or that have been laid on the Province, to pay all ſuch Debts due from the ſaid Colonies reſpectively, or from the Province as have been allowed by the former Governments, or by the Governour and Council, or that have been or ſhall be allowed by ſuch Committees as have or ſhall be appointed for ſuch end.

Treaſurer ordered to make payment of Debts.

And where any Conſtables or Collectors in any Town are Dead, and have not adjuſted the Accompts of the Aſſeſſments committed unto them reſpectively; the Treaſurer is hereby impowred to bring his Suit againſt the Executor or Adminiſtrator of ſuch deceaſed Conſtable or Collector for the ſame, or what ſhall appear to be due.

The Executor or Adminiſtrator of any deceaſed Conſtable, &c. liable in caſe.

And foraſmuch as divers Conſtables have informed that they have been diſabled from Collecting the Rates committed to them to Collect before his Excellency the Governours Arrival, or the greateſt part of them, by reaſon of the breaking up ſome Towns in whole or in part, or by the death or removal of divers perſons, or by the Select mens Rating ſome perſons that are brought into extream Poverty by reaſon of the War, and others that never were able to pay.

Be it therefore Ordered and Enacted by the Authority aforeſaid, That all ſuch Towns, Conſtables or Collectors that deſire or expect any eaſe or abatement for or by reaſon of any of the above-named particulars, or have any other juſt cauſe to alledge for the ſame, do by themſelves or by ſome meet perſon in their behalf appear at *Boſton*, at or before the Twenty-fifth day of *March* next before *John Phillips* and *Peter Sergeant*, Eſqrs. Captain *Nathaniel Byfield*, Major *Penn Townſend* and Mr. *Edward Bromfield*, or any four of them; who are hereby appointed and impowred to be a Committee for the receiving and hearing of the Allegations, Pleas or Proofs as may be offered for any

Committee to receive Allegations or Pleas for abatement.

ſuch allowance or abatement to be made as aforeſaid, and to report the ſame unto this Court at their next Seſſion; that ſo they may give order therein as to them ſhall appear juſt and reaſonable: And for ſo much as ſhall not be by ſaid Court allowed and abated, the Treaſurer ſhall forthwith Iſſue out his Warrants as aforeſaid, to levy the ſame by diſtreſs and ſale of the Eſtate of ſuch Conſtables or Collectors as were before indulged and forborn.

Alſo it having been made to appear that ſeveral Warrants Iſſued out by the late Treaſurer of the Province for making or collecting of the Tax ſince his Excellency the Governours Arrival have miſcarried.

Treaſurer to iſſue out new Warrants where the former have miſcarried.

Be it therefore Enacted, That the Treaſurer forthwith Iſſue out new Warrants to ſuch Towns and Places for ſuch Sum and Sums the other were ſent out for, which all Select-men are forthwith to aſſeſs, and Conſtables or Collectors to Collect by ſuch Rules and under ſuch penalties as by the Law relating to ſaid Tax were made and injoyned.

And whereas the Treaſurer hath been ordered to make payment of what remains due to ſeveral perſons that lent their Bills of Credit to this Province in and about June *or* July, *One Thouſand Six Hundred Ninety two; many whereof have been or may be longer unpaid then the time they were promiſed payment in.*

Allowances to ſuch as lent their Bills.

Be it therefore Enacted, That ſuch as are not already paid (diſcounting what they owe to the Province) ſhall be allowed for what is due to them by the Treaſurer, after the rate of *Six Per Cent. per Annum*, for the value lent from the Expiration of the time they lent the ſame for, until they be paid or accept of the Treaſurers order for payment of the ſame.

Penalty on Conſtables or Collectors that exact or receive any Fee to haſten payment.

And be it further Enacted by the Authority aforeſaid, That all Conſtables or Collectors ſhall duly pay and anſwer all Orders coming from the Treaſurer out of the Publick Moneys in their hands, which they ſhall have Collected for any publick Tax or Aſſeſsment committed, or hereafter to be committed unto them to collect and that without delay. And if any Conſtable or Collector ſhall require, exact, receive or take any Fee, Reward, Allowance or Abatement directly or indirectly from any perſon or perſons to haſten or forward his or their payment, and be thereof convicted upon complain or information brought before the Seſſions of the Peace within the ſame County; ſuch Conſtable or Collector ſhall forfeit and pay the Sum of *Five Pounds* over and above the Sum ſo taken; one half thereof unto Their Majeſties towards the ſupport of the Government, and the other half to him or them that ſhall inform and proſecute for the ſame.

An Act for Briſtol Fair.

WHEREAS *the General Court of the late Colony of* New Plimouth *did in the year of our Lord, One Thouſand Six Hundred and Eighty; Grant unto the Inhabitants of the Town of* Briſtol *within ſaid Colony, that they ſhould have liberty of keeping two Fairs in ſaid Town of* Briſtol *annually for ever, one upon the third* Wedneſday *and* Thurſday *in* May, *and the other upon the third* Wedneſday *and* Thurſday *in* November; *And it being found by experience that two days is not ſufficient for the Tranſacting the buſineſs of ſaid Fair; and that ſo late in* November *is inconvenient both with reſpect to perſons coming, it being many times very bad Weather, and the chief time for ſelling fat Cattle being ſooner.*

Be

Be it therefore Enacted by the Governour, Council, and Representatives Convened in Great and General Court, and it is hereby Enacted by the Authority of the same, That from henceforth the said Fair shall be kept and held in *Bristol* aforesaid within this Province, upon the third *Wednesday, Thursday* and *Fryday* in *May*, and on the third *Wednesday, Thursday* and *Fryday* in *October* annually for ever, and at no other time; any Law, custom or usage to the contrary notwithstanding. Times for holding *Bristol* Fair.

An Act for Regulation of Seamen.

WHEREAS great loss and damage is frequently Occasioned to Trade and Navigation by Seamen deserting their Imploy or Voyage they are entred upon, or being taken off from the same by Arrest and restraint for Debt, or pretence thereof:

For Remedy whereof.

It is Declared and Enacted by the Governour Council and Representatives in General Court Assembled, and by the Authority of the same, That if any Inn-keeper, Victualler, Seller of Wine or strong Liquors, Shop keeper or any other person whatsoever, shall trust or give credit to any Mariner or Seaman belonging to any Ship or other Vessel, without the knowledge and allowance of the Master or Commander thereof; no Process or Attachment for any Debt so contracted without knowledge and allowance as aforesaid, shall be granted against or served upon such Mariner or Seaman, until he shall have performed the Voyage he is then entred upon, and be discharged of the same: And every Process granted contrary hereunto and serving thereof shall be deemed and adjudged utterly void in Law: And any Justice of the Peace within the same County before whom it shall be made appear, that any Mariner or Seaman belonging to any Ship or Vessel is committed or restrained upon Process granted for any Debt or pretention of Debt made whilst such Mariner or Seaman was engaged and actually entred and in pay on any Voyage, shall forthwith order his release. No Mariner or Seaman to be arrested for any Debt made whilst he belongs to a Ship, *&c.*

And be it further Enacted by the Authority aforesaid, That if the Master or Commander of any Ship or other Vessel, shall Ship any Seaman, knowing him to be first entertained and Shipt on Board another Ship or Vessel, Or after notice thereof given him, shall not forthwith dismiss him; every such Master or Commander so offending, being thereof convicted, shall forfeit and pay the Sum of *Five Pounds*, one Moiety thereof to the use of the Poor of the Town where the offence was committed, and the other Moiety to him or them that shall inform and sue for the same, by Action, Bill, Plaint or Information in any Court of Record; and such Seaman so Shipping himself, shall forfeit and pay the value of one Months Wages that he shall so agree for, to be recovered, imployed and disposed of in manner as aforesaid. Penalty on Masters Shipping Seamen first entertained on board another Ship *&c.* Seamans Penalty.

And further it is Enacted, That if any Mariner or Seaman having Shipt himself on Board any Ship or other Vessel to proceed in any Voyage, and under pay (the same being made appear by his hand set to the Masters Book or other writing of such Agreement) shall neglect his attendance and duty on Board, and absent himself from his said Service, upon complaint thereof made Seamen deserting their Service to be Imprisoned.

to any Juſtice of the Peace within the ſame County, ſuch Juſtice is hereby impowred to convent ſuch Mariner or Seaman before him; and upon conviction of his ſo abſenting himſelf as aforeſaid, to commit him to Priſon, that ſo he may be ſecured and forth-coming to proceed on the Voyage he has ſo agreed to, and to be delivered by order of the Juſtice that committed him, or ſome other Juſtice in the ſame County.

An Act to prevent default of appearance of Repreſentatives to ſerve in the General Aſſembly.

WHEREAS there has been a neglect in ſome Sheriffs in Obſervance of Their Majeſties Writt to them directed, for the Convening and holding of a Great and General Court or Aſſembly, timely to iſſue forth their Precepts unto the ſeveral Towns within their Bailiwick or Precinct, for the chooſing of Repreſentatives to ſerve in the Great and General Court or Aſſembly, and have alſo not taken due care to have Returns of their ſaid Precepts. And foraſmuch as many Perſons Elected for Repreſentatives, and having Summons, are not careful to give their attendance accordingly in due time, whereby the Publick Affayres for Their Majeſtices Service are prejudiced.

For Remedy whereof.

Be it Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, It is Ordained and Enacted, That every Sheriff upon Receipt of Their Majeſties Writt for the Convening and holding of a Great and General Court or Aſſembly, ſhall forthwith make out his Precepts under his Seal in form as by Law is directed, unto the Select-men of the ſeveral Towns within his County, and cauſe the ſame to be ſafely conveyed and delivered unto one or more of ſuch Select men, within the ſpace of Seven dayes at furtheſt next after his Receipt of ſuch Writt as aforeſaid; And ſhall likewiſe take effectual care for having his Precepts returned to him again from the ſaid Towns reſpectively, with what ſhall be done purſuant thereto, by the day therein prefixed, and cauſe the ſame to be brought in to the Secretaries Office as by Writt he is Commanded.

Sheriffs to make out their Precepts in 7 days after Receipt of Their Majeſties Writt.

And the Select-men of each Town upon Receipt of the Sheriffs Precept, ſhall cauſe the Freeholders and other Inhabitants of ſaid Town duely qualified as in the ſaid Precept is mentioned, to be Aſſembled and meet at ſuch time and place, as the Select men or the major part of them ſhall appoint, to Elect and Depute one or more Repreſentatives for ſuch Town, as by Law they may, and ſhall cauſe the perſon or perſon ſo Elected and Deputed by the major part of the Electors preſent at ſuch meeting, to be timely Notified and Summoned by one or more of the Conſtables of ſaid Town, to attend Their Majeſties Service in the Great and General Court or Aſſembly, upon the day, and at the time and place appointed for holding of the ſame: And the Select-men or the major part of them, ſhall make Return of ſuch Election under their hands upon the ſaid Precept, or annexed thereto, in manner and form as by Law is preſcribed; and cauſe the ſame to be delivered unto the Sheriff of the County, at or before the day therein perfixed for return of the ſame; on pain that every Sheriff neglecting his duty in any of the particulars before mentioned, ſhall forfeit and pay the Sum of *Fifty Pounds.*

Select-men to cauſe the Town to be Aſſembled for choice of Repreſentatives.

Penalty on Sheriff, for neglect of duty.

And every Select man or Conſtable in any Town neglecting his duty in any of the particulars before mentioned, ſhall incur the pain and forfeiture of *Five Pounds.*

Penalty on Select-men & Conſtables

And

And every Sheriff ſhall be allowed for his trouble and charge in ſending out his Precepts, *Forty Shillings*, to be paid out of the County Treaſury. Sheriffs allowance.

And the Select men to be paid by the Town for the charge of returning their Precept, for which ſhall be paid, *three Pence* a Mile. Select-mens allowance.

And be it further Enacted by the Authority aforeſaid, That every perſon Elected to Serve a Repreſentative for any Town in any Great and General Court or Aſſembly, and being Summoned thereto, ſhall give his attendance at the ſaid Court on the firſt day appointed for the Courts ſitting (without reaſonable and juſt excuſe for his abſence, being made and allowed of by the houſe of Repreſentatives) on pain of forfeiting the Sum of *Forty Shillings*: Unleſs ſuch perſon being preſent at the Election, ſhall declare unto the Aſſembly his non acceptance of the Service, or upon notice thereof given him, ſhall forthwith ſignify his non acceptance unto the Select men by writing under his hand: In which caſe the Select-men ſhall call the Town together again to Elect a new, that ſo they may enjoy their priviledge. Penalty for Repreſentatives non-attendance the firſt day of the Court.

That not any Town in this Province ſhall chuſe any Repreſentative, unleſs ſuch be a Freeholder and Reſident in that Town or Towns, ſuch are choſen to Repreſent. Repreſentatives to be Freeholders & Reſident.

And if any perſon not duly qualified according to Law, ſhall preſume to Vote in the choice of Repreſentatives, one or more for any Town; or ſhall put in more than one Vote for any one perſon in ſuch choice, being thereof convicted, he ſhall forfeit and pay the Sum of *Five Pounds*; one Moiety thereof unto Their Majeſties for and towards the ſupport of the Government, and the other Moiety to him or them that ſhall inform and ſue for the ſame. Penalty on perſons Voting, being not qualified

All perſons ſhall put in their Votes unfolded to the Select-men or Conſtables appointed to receive the ſame.

And that where any perſon offering to give in his Votes for Repreſentatives in any Town, ſhall be queſtioned by the Select men of the ſaid Town as to his being capable by Charter to Vote; the ſaid perſon or perſons giving his or their Oath that they are, *Bona fide*, worth *Forty Pounds* Sterling, or an Eſtate of Freehold to the value of *Forty Shillings Per Annum*, before a Juſtice of the Peace, or in the abſence of a Juſtice of the Peace, before the Town Clerk, who is hereby impowred to Adminiſter the ſame, he or they ſhall be accounted capable of Voting and put in his or their Votes accordingly. Voters queſtioned to make Oath.

All Fines and Forfeitures ariſing for breach of this Act or any branch thereof, and not otherwiſe therein before diſpoſed of, ſhall be unto Their Majeſties for and towards the ſupport of the Government; and be recovered by Action, Bill, Plaint or Information in any of Their Majeſties Courts of Record. Fines and forfeitures how to be diſpoſed.

ACTS

ACTS and LAWS

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England.* Begun at *Boſton,* the Eighth Day of *November,* 1693. And Continued by Adjournment unto the Fourteenth Day of *February* following.

An Act for the better Rule and Government of the Indians in their ſeveral Places and Plantations.

TO the intent that the Indians may be forwarded in Civility and Chriſtianity, and that Drunkenneſs and other Vices be the more effectually Suppreſſed amongſt them.

Be it Enacted and Ordained by the Governour, Council and Repreſentatives in General Court Aſſembled, and it is Enacted by the Authority of the ſame, That His Excellency the Governour, by and with the advice and conſent of the Council, may and is hereby impowred to appoint and commiſſionate one or more diſcreet perſons within ſeveral parts of this Province, to have the inſpection and more particular care and Government of the *Indians* in their reſpective Plantations; and to have, uſe and exerciſe the power of a Juſtice of the Peace over them in all matters Civil and Criminal, as well for the hearing and determining of Pleas betwixt party and party, and to award Execution thereon, as for the examining hearing and puniſhing of Criminal Offences according to the Acts and Laws of the Province, ſo far as the power of a Juſtice of Peace does extend. As alſo to nominate and appoint Conſtables and other proper and neceſſary Officers amongſt them.

Commiſſioners to be appointed in ſeveral parts to have the more particular care and Government of the Indians

And be it further Enacted by the Authority aforeſaid, That no perſon or perſons whomſoever, ſhall directly or indirectly Sell, Truck, Barter, or give to any *Indian,* any Strong Beer, Ale, Cyder, Perry, Wine, Rhum, Brandy, or other Strong Liquors, by what name or names ſoever called or known, on pain of forfeiting the Sum of *Forty Shillings* for every Pint, and proportionably for any greater or leſſer quantity ſo ſold, truckt, bartered, given or delivered to any *Indian,* directly or indirectly as aforeſaid, upon Conviction thereof before a Juſtice of the Peace, where the penalty does not exceed *Forty Shillings*: And if it exceed that Sum, at the Seſſions of the Peace to be holden for the ſame County where the offence is committed: One Moiety of all ſuch Forfeitures to be unto Their Majeſties for and towards the ſupport of the Government, and the other Moiety to him or them that ſhall inform and proſecute the ſame by Bill, Plaint or Information. And if the Offender be unable or ſhall not forthwith pay and ſatisfy the ſaid penalty or forfeiture, then to be committed to the Goal of the County; there to remain until he pay and ſatisfy the ſame, or ſuffer two months Impriſonment.

Penalty for ſelling ſtrong drink to Indians.

Provided this Act ſhall not be intended or extend to reſtrain any Act of Charity for relieving any *Indian (Bona fide)* in any ſudden exigent of Faintneſs or Sickneſs, not to exceed one or two Drams; or by preſcription of ſome Phyſician in writing, or by the allowance of a Juſtice of Peace.

And

And for the better diſcovery of ſuch ill diſpoſed perſons, who through greedineſs of filthy Lucre, ſhall privately Sell or deliver ſtrong Liquors or other ſtrong Drink, to any Indian *or* Indians (*of which it is difficult to obtain poſitive Evidence other than the Accuſation of ſuch* Indian *or* Indians) *And to the intent that Murders and other Outrages frequently occaſioned thereby may be prevented.*

Indian accuſation with concurring circumſtances, to amount to a conviction, unleſs, &c.

It is Ordained and Enacted, That the Accuſation and Affirmation of any *Indian,* with other concurring circumſtances amounting to an high preſumption, in the diſcretion of the Court or Juſtices, who have cogni zance of the Caſe (the Accuſer and Accuſed being brought face to face at the time of Tryal) ſhall be accounted and held to be a legal Conviction of the perſon ſo accuſed of giving, ſelling, or delivering Wine, Rhum, or any other ſtrong Drink or Liquors, to ſuch *Indian* ; Unleſs the party accuſed ſhall acquit him or her ſelf thereof upon Oath; which the Court or Juſtice reſpectively are hereby impowred to require, and Adminiſter unto the perſon accuſed, in form following: *That is to ſay,*

Form of the Oath.

YOU A. B. *do Swear, That neither your ſelf, nor any other by your order, general or particular, aſſent, privity, knowledge or allowance, directly or indirectly, did give, ſell or deliver any Wine, Cyder, Rhum, or other ſtrong Liquors or Drink, by what name or names ſoever called or known, unto the* Indian *by whom and whereof you are now accuſed.* So help you God.

Strong drink found with Indians, to be Seized.

And further it is Enacted, That it ſhall and may be lawful to and for any perſon or perſons, to ſeiz any Wine, ſtrong Liquors or Cyder, which he or they may find in the cuſtody of any *Indian,* not obtained by allowance as aforeſaid, (other than Cyder made of Fruit of their own growth) and to deliver the ſame unto the Conſtable, or one or more of the Select-men of the Town, where the ſame ſhall be ſeized, to and for the uſe of the poor of ſuch Town: And to Apprehend ſuch *Indian,* and to cauſe him or her to be conveyed before the next Juſtice of the Peace, to be Examined where, and of whom they had ſuch ſtrong Drink.

Penalty for Indians convicted of drunkenneſs.

And every *Indian* convicted of Drunkenneſs ſhall forfeit and pay unto the uſe of the poor of the Town or place where ſuch offence is committed, the Sum of *Five Shillings,* or elſe be openly Whipped by the Conſtable of ſuch Town or place, or ſome other that he ſhall procure, not exceeding Ten Laſhes, as the Juſtice of Peace before whom ſuch Conviction is, ſhall determine.

An Act for the Relief of Ideots and Diſtracted Perſons.

Select-men or Overſeers of the poor to make neceſſary proviſion for the relief of Ideots and diſtracted perſons.

BE it Enacted by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That when and ſo often as it ſhall happen any perſon to be naturally wanting of underſtanding, ſo as to be uncapable to provide for him or her ſelf ; Or by the Providence of God, ſhall fall into Diſtraction, and become *Non compos mentis* ; and no Relations appear that will undertake the care of providing for them; Or that ſtand in ſo near a degree as that by Law they may be compelled thereto: In every

every ſuch caſe the Select-men or Overſeers of the Poor of the Town or Peculiar where ſuch perſon was Born, or is by Law an Inhabitant, Be, and hereby are Impowred and Enjoyned to take effectual care, and make neceſſary proviſion for the relief, ſupport, and ſafety of ſuch Impotent or Diſtracted Perſon, at the charge of the Town or place whereto he or ſhe of right belongs; if the party has not Eſtate of his or her own, the incomes whereof may be ſufficient to defray the ſame: And the Juſtices of the Peace within the ſame County, at their General Seſſions may order and diſpoſe the Eſtate of ſuch Impotent or Diſtracted Perſon to the beſt improvement and advantage towards his or her ſupport; as alſo the perſon to any proper work or ſervice he or ſhe may be capable to be imployed in, at the diſcretion of the Select-men or Overſeers of the Poor. And where the Eſtate of any ſuch perſon conſiſts of Houſing or Land, in every ſuch caſe the Juſtices of the Superiour Court of Judicature, upon Application to them made, may, and hereby are Impowred to Licenſe and Authorize the Select-men or Overſeers of the Town or place whereto ſuch perſon belongs; or ſuch others as the ſaid Juſtices ſhall think fit, to make ſale of ſuch Houſing or Land; the produce thereof upon ſale to be ſecured, improved and imployed to and for the uſe, relief and ſafety of ſuch Impotent or Diſtracted Perſon (as the ſaid Juſtices ſhall direct) as long as ſuch perſon ſhall live, or until he or ſhe be reſtored to be of ſound mind. And the over-plus (if any be) to and for the uſe of the next and right Heirs of ſuch party.

Court of Quarter Seſſions to order the Eſtate of ſuch perſons for improvement.

The Juſtices of the Superiour Court to Licenſe the Sale of Houſing or Land of diſtracted perſons in caſe.

And the like power and authority is hereby granted unto the Juſtices of the Superiour Court with reference to any perſon or perſons now under Diſtraction or *Non compos mentis*, as well for the ſatisfying of the Charges already paſt, as for what may be future, for the ſupport, relief and ſafety of any ſuch perſon.

ACTS and LAWS

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England.* Begun and Held at *Boſton,* the Thirtieth Day of *May,* 1694.

An Act for Aſcertaining the Fees of the Meſſenger attending the Houſe of Repreſentatives.

Be it Enacted and Ordained by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and it is Enacted by the Authority of the ſame, That there ſhall be paid to the Meſſenger attending upon the Houſe of Repreſentatives for the time being, out of the Publick Revenue of this Their Majeſties Province, the Sum of *Three Shillings Per Diem* for every day that the ſaid Meſſenger ſhall attend upon, or be imployed in the Service of the ſaid Houſe of Repreſentatives: And further that the ſaid Meſſenger ſhall and may demand, recover and receive, of all and every perſon Arreſted, Impriſoned or taken into Cuſtody by Warrant from the Houſe of Repreſentatives, *Three Shillings* for the Service of ſuch Warrant of Arreſt, with Travelling Fees after the rate of *Three pence Per Mile* out, and alſo *Three Shillings Per Diem* for ſafe keeping and providing for ſuch perſon ſo apprehended and taken into Cuſtody; and *Three Shillings* more upon the diſmiſſion or releaſe of the party, any Law, Cuſtom or Uſage to the contrary notwithſtanding, except it be a Member of the Houſe that is ſo ſent for, and then the Fees to be paid, ſhall be leſs, as the Houſe ſhall appoint.

Meſſengers Fee 3 *s. per. Diem.*

3 *s.* for ſervice of a warrant of Arreſt.

Travelling Fees 3 *d. per.* Mile out.

3 *s. per. Diem* for each perſon in Cuſtody *&c.*

And it is hereby further Declared, That the Travelling Fees mentioned in the Act for Regulating Fees, allowed to Sheriffs, Marſhals, or Conſtables for the Service of Writs, is to be alike underſtood of *Three pence per* Mile from home, and no more.

Sheriffs *&c.* travelling Fees, onely 3 *d. per.* Mile out.

An Act againſt Adultery and Polygamie.

WHEREAS the Violation of the Marriage Covenant is highly provoking to God, and deſtructive to Families.

Be it therefore Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That if any man be found in Bed with another mans Wife, the Man and Woman ſo offending being thereof convicted, ſhall be ſeverely Whipp'd, not exceeding *Thirty Stripes,* unleſs it appear upon Tryal that one party was ſurprized and did not conſent; which ſhall abate the puniſhment as to ſuch party.

Puniſhment for Adulterers.

And if any man ſhall commit Adultery, the Man and Woman that ſhall be Convicted of ſuch Crime before Their Majeſties Juſtices of Aſſize and General Goal Delivery, ſhall be ſet upon the Gallows by the ſpace of an Hour, with a Rope about their Neck, and the other end caſt over the Gallows: And in the way from thence to the Common Goal, ſhall be ſeverely Whipt, not exceeding *Forty Stripes* each: Alſo every perſon and perſons ſo Offending, ſhall for ever after wear a Capital A of two inches long, and proportionable bigneſs, cut out in Cloth of a contrary Colour to their Cloaths, and Sewed upon their upper Garments, on the out ſide of their Arm, or on their Back, in open view. And if any perſon or perſons, having been Convicted and Sentenced for ſuch Offence, ſhall at any time be found without their Letter ſo worn, during their abode in this Province; they ſhall by Warrant from a Juſtice of Peace, be forthwith apprehended and ordered to be publickly Whip'd, not exceeding *Fifteen Stripes*; and ſo from time to time *toties quoties.*

Polygamie to be puniſhed as Felony.

And be it further Enacted by the Authority aforeſaid, That if any perſon and perſons within this Their Majeſties Province, being Married, or which hereafter ſhall Marry, do at any time after the firſt of *July* in this preſent year, One Thouſand Six Hundred Ninety Four, preſume to Marry any perſon or perſons, the former Husband or Wife being alive, or ſhall continue to live ſo Married; That then every ſuch Offence ſhall be Felony, and the Perſon & Perſons ſo offending ſhall ſuffer Death as in caſes of Felony. And the party and parties ſo offending ſhall receive ſuch and the like Proceeding, Tryal and Execution in ſuch County, where ſuch perſon or perſons ſhall be apprehended, as if the Offence had been Committed in ſuch County where ſuch perſon or perſons ſhall be taken or apprehended.

Saving for perſons where Husband or Wife ſhall be abſent ſeven years, &c.

Provided always, That this Act or any thing therein contained ſhall not extend to any perſon or perſons whoſe Husband or Wife ſhall be continually remaining beyond the Seas, by the ſpace of ſeven years together; or whoſe Husband or Wife ſhall abſent him or her ſelf the one from the other by the ſpace of ſeven years together in any part within their Majeſties Dominions, or elſe-where, the one of them not knowing the other to be living within that time.

Saving for perſons divorced or Married within the Age of Conſent.

Provided alſo that this Act or any thing therein contained ſhall not extend to any perſon or perſons, that are or ſhall be at the time of ſuch Marriage, Divorced by any Sentence had, or hereafter to be had, as the Law of the Province in that caſe has provided: Or to any perſon or perſons, where the former Marriage has been or hereafter ſhall be, by ſuch Sentence had, declared to be void and of no effect. Nor to any perſon or perſons, for or by reaſon of any former Marriage had or made; or hereafter to be had or made within the Age of Conſent. *That is to ſay,* the Man Fourteen Years of Age, the Woman Twelve.

An Act for Granting a Townſhip in the County of *Briſtol*, to be called *Tiverton*.

WHEREAS *there is a certain Tract or Tracts of Land called by the Indians,* Pocaſſet *and* Puncateeſe, *Scituate lying and being between the Bounds of* Little Compton, *and* Freetown, *within the County of* Briſtol, *bordering upon the Sea, or Salt Water towards the Weſt, extending along the Shore between the Towns aforeſaid, about twelve miles Northerly and Southerly, and from the Salt Water towards the Eaſt into the Country about four miles till it meet with* Dartmouth *line; which Land belongs to ſundry Perſons the Proprietors thereof, and was put under the Conſtablewrick of* Little-Compton *aforeſaid, who upon their Petition to this Court are reduced to their former State. Now foraſmuch as there are already a Competent number of Inhabitants, and a good quantity of Land convenient for a Townſhip.*

Be it therefore Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame it is Enacted, That henceforth the ſaid Tract or Tracts of Land as now Bounded by the Limits and Bounds of *Little Compton, Freetown* and *Dartmouth* aforeſaid, is and ſhall be a Townſhip, and called by the name of *Tiverton*; and ſhall have and enjoy all ſuch Immunities, Priviledges, and Powers as generally other Towns within this Province have and do enjoy: And *Joſeph Palmer* the late Conſtable is hereby Required forthwith to warn the Inhabitants of the ſaid Town to meet together to chooſe Select-men, Conſtables and other Town Officers to carry on and manage their Prudential Affairs in an orderly way as the Law directs, until the next annual day of Election for Town Officers: and the ſaid Inhabitants are enjoyned accordingly to aſſemble and attend the work.

And it is further Declared, That the Conſtable or Conſtables of ſaid *Tiverton*, ſhall Collect all ſuch Arrears of Publick Taxes as were aſſeſſed and proportioned upon the Inhabitants of ſaid Town by the Select men of *Little Compton*, whilſt they were annexed to that Town according to the Liſts then made, which the ſaid Select-men are to furniſh them with; and the Treaſurer is Ordered to Iſſue out his Warrant to the Conſtable or Conſtables of ſaid *Tiverton*, for Collecting the ſame accordingly.

AN ACT

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts Bay* in *New-England*. Begun at *Boſton*, the Thirtieth Day of *May*, 1694. And Continued by Adjournment unto the Fifth Day of *September* following.

An Act for Granting a Townſhip in the County of *Barnſtable*, to be called *Harwich*.

WHEREAS *there are a Competent number of Inhabitants already ſetled upon that Tract of Land commonly called and known by the name of* Satucket *within the County of* Barnſtable, *containing a ſufficient quantity of Land, and lying convenient for a Townſhip*: Therefore for Encouragement of the ſaid Settlement.

It is Enacted by the Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That all the ſaid Lands lying betwixt the bounds of the Town of *Yarmouth* upon the Weſt, and the Town of *Eaſtham* on the Eaſt, running from the head of *Bound brook*, to the head of *Mamskeket*, about Ten Miles in Length, and about Seven Miles in Breadth, extending from Sea to Sea; Be and henceforth ſhall be a Townſhip, the Town to be called *Harwich*, and ſhall have and enjoy all ſuch Immunities, Priviledges and Powers, as generally other Towns within this Province have and do by Law enjoy. *Provided*, it doth not Intrench upon former Grants referring to Townſhips.

And that for all Arrears of Publick Taxes, and for the late Tax and Addition thereto now granted by this Court, the Inhabitants of ſaid Place do remain and continue under the ſame Regulations, Directions and Officers as before the making of this Act.

ACTS and LAWS

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England.* Begun at *Boſton,* the Thirtieth Day of *May,* 1694. And Continued by Adjournments unto the Sixteenth Day of *October* following.

An Act to Enable Town, Villages, and Proprietors in common and undivided Lands, &c. to Sue and be Sued.

WHEREAS amongſt other things in Their Majeſties Royal Charter, for Incorporation of this Province; it is Contained and Granted in theſe words following: **That is to ſay,** *Provided nevertheleſs, And we do for Us, Our Heirs and Succeſſors, Grant and Ordain that all and every ſuch Lands, Tenements and Hereditaments and other Eſtates, which any Perſon or Perſons, Bodies Politick or Corporate, Towns, Villages, Colledges or Schools, Do hold and enjoy, or ought to have, hold and enjoy within the bounds aforeſaid, by or under any Grant or Eſtate, duly made or granted by any General Court, formerly held, or by virtue of the Letters Patents herein before Recited, or by any other lawful Right or Title whatſoever; ſhall be by ſuch perſon or perſons, Bodies Politick and Corporate, Towns, Villages, Colledges or Schools, their Reſpective Heirs, Succeſſors and Aſſigns for ever hereafter, held and enjoyed according to the Purport and Intent of ſuch reſpective Grant,* &c.

And whereas by one Act of the General Court, Entituled, *An Act, For the Regulating of Townſhips,* &c. Amongſt other things, **It is Enacted,** That the Proprietors of the undivided or common Lands within each Town or Precinct in this Province, where the ſame have been heretofore ſtated each ones Proportion being known, ſhall, and hereby are Impowred, to order, improve or divide in ſuch way and manner, as ſhall be concluded and agreed upon by the major part of the Intereſted. And the Proprietors of all undivided or common Lands not ſtated and proportioned as aforeſaid, ſhall, and hereby are Impowred to manage, improve, divide and diſpoſe of the ſame, as hath been or ſhall be concluded and agreed on by the major part of ſuch Proprietors.

Now for the better Enabling the ſaid Perſons, Towns, Villages, Truſtees for Schools and Proprietors aforeſaid, to maintain, recover and defend their Grants, Lands, Intereſts, and Eſtates.

Perſons, Towns, Villages &c. to Sue or defend in any Court.

Be it Enacted and Declared by the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful for all and every the ſaid Perſons, Towns, Villages, Precincts, Truſtees for Schools and Proprietors in common and undivided Lands, Grants, and other Eſtates or Intereſts whatſoever, to Sue, Commence and Proſecute any Suits or Actions in any Court proper to try the ſame, either by themſelves or their Agents or Attorneys, to be appointed by ſuch as have in them the major part of the Intereſt: And in like manner to defend all ſuch Suits and Actions as ſhall be Commenced againſt them or any of them.

Towns, Villages &c. to chooſe Agents or Attorneys to proſecute for, or defend them.

And further be it Enacted by the Authority aforeſaid, That all and every Town, Village and Precinct, and Proprietors in common or undivided Lands, which ſhall have occaſion to Sue or ſhall be Sued, may at a Meeting

ing of the Inhabitants of ſuch Town, Village or Precinct, or Proprietors aforeſaid, orderly Warned, by the major Vote of ſuch as ſhall meet, chooſe Agents or Attorneys to proſecute for or defend them; ſuch Choice being Certified by the Clerk of ſuch Town, Village, Precinct or Proprietors, or by ſuch other perſon as they ſhall appoint.

How Summons ſhall be given to oblige Towns, &c. to anſwer.

And when any Town, Village, Precinct or Proprietors aforeſaid, ſhall be Sued, it ſhall be ſufficient notice to oblige them to appear and anſwer, to leave a Writ or Summons with their Clerk or other Principal Inhabitant or Proprietor (briefly declaring the Caſe) fourteen days before the Sitting of the Court, where the Caſe is to be heard; as in other Actions is provided.

An Act for Regulating Ferrys.

To the intent that all Ferrys within this Province be duly kept, and conſtantly attended for the ends whereunto they are appointed.

Be it Enacted by the Governour Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That hencefoorth no perſon or perſons whatſoever, ſhall attempt to keep a Ferry (ſo as to demand pay) without ſpecial Licence firſt had and obtained from Their Majeſties Juſtices in Quarter Seſſions of that County where ſuch Ferry is; who are hereby Impowred to grant Licences to ſuch perſons as they ſhall judge meet for that Service, in their reſpective Counties; and to ſtate the Fare or Prizes of each Ferry, both for Man and Beaſt, according to the nature and breadth of ſuch River, or Water they are to paſs over; taking Bond of each Ferry man, for the faithful diſcharge of his place (except ſuch Ferrys as are already ſtated and ſetled, either by the Court or Towns to whom they appertain) And all Ferry-men are hereby enjoyned to keep a good Boat or Boats in good repair, ſuitable to the waters they are to Ferry over; and alſo to give ready and due attendance on Paſſengers upon all occaſions, on penalty of *Five Shillings*, for every default of non-attendance; and for want of a good Boat kept in good repair, to pay *Five Pounds*; the one half to Their Majeſties for and towards the ſupport of the Government; the other half to him or them that ſhall inform and ſue for the ſame, before a Juſtice of the Peace, or at the Quarter Seſſions reſpectively, beſides what damage may accrue to any Perſon through the Ferry mans default.

Ferry-men to be Licenſed by the Quarter Seſſions.

to give Bond.

Penalties for non-attendance, & not keeping good Boats.

And further it is Enacted, That the General Poſt that is ſetled for Their Majeſties, and the Countries Service, be readily diſpatched, and ſet over by all Ferry men where they ſhall come, without any delay. And if any Ferry-man ſhall be complained of, and duly convicted before any Juſtice of the Peace, for delaying any Poſt, and not forthwith Ferrying of him over, he ſhall Forfeit the Sum of *Twenty Shillings*, unto Their Majeſties for and towards the Support of the Government.

Penalty for delaying the Poſt.

And that Boats be conſtantly kept on either ſide of the water at *Charlſtown* Ferry, for the more ſpeedy Tranſportation of Paſſengers, the Ferry men on each ſide to have a ſeparate Intereſt; and that the Ferry be not from henceforth Leaſed out otherwiſe. And all the Members of the General Aſſembly ſhall be Ferrage free at all Ferrys in their paſſing to and from the Aſſembly, and ſhall be Tranſported without any unneceſſary delay, on pain of forfeiting *Twenty Shillings* as above ſaid.

Aſſembly-men to paſs Ferrage free.

See Additional Act, page

An Act for Granting a Townſhip within the County of *Briſtol*, to be called *Attleborough.*

WHEREAS *there is a certain Tract of Land commonly called by the name of North Purchaſe lying within the County of* Briſtol, *containing in length about ten miles from* Patucket *River to the Bounds of* Taunton, *and extending about eight miles in breadth from the Line or Boundary betwixt the two late Colonies of* Maſſachuſetts *and* Plymouth, *to the Bounds of the Town of* Rehoboth; *being a convenient Tract for a Townſhip, and more than Thirty Families already Setled thereupon.*

For the better Encouragement and Setlement of the ſaid Plantation.

Be it Enacted by the Governour, Council and Repreſentatives in Geueral Court Aſſembled, and by the Authority of the ſame, That henceforth the ſaid Tract of Land as above deſcribed, and Bounded by the Townſhips of *Taunton* and *Rehoboth* (no ways to intrench upon either of their Rights) be and ſhall be a Townſhip, and called by the name of *Attleborough*; and ſhall have and enjoy all ſuch Immunities, Priviledges and Powers, as generally other Towns within this Province have and do by Law enjoy. *Provided* that it be not in prejudice of any former Grant. *Provided* alſo that the Inhabitants of ſaid Place do continue under the power and directions of the Select-men, Aſſeſſors and Conſtables of *Rehoboth* (whereto they were formerly annexed) as well referring unto any Aſſeſsments and Arrears thereof, as all other things proper to the duty of Select-men, Aſſeſſors and Conſtables reſpectively, until they are ſupplied with ſuch Officers among themſelves, according to the directions in the Law in that caſe made and provided.

ACTS and LAWS

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts Bay* in *New-England*. Begun at *Boſton*, the Thirtieth Day of *May*, 1694. And Continued by ſeveral Adjournments unto the Twenty-ſeventh day of *February* following.

An Act for reviving of Actions & Proceſs lately depending in the Superiour Court of Judicature Court of Aſſize & general Goal delivery, within the County of *Eſſex*, and diſcontinued by the not holding of the ſaid Court at *Salem* upon the Second Tueſday in *November*, 1694.

WHEREAS *by reaſon of Sickneſs and other more weighty Occaſions of the Province intervening; the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery could not be held and kept, at the time prefixed by Law for the Sitting of the ſame at* Salem *within the County of* Eſſex, *upon the Second* Tueſday *in* November, *in the Year of our Lord,* One Thouſand Six Hundred Ninety and Four: *For which if due proviſion be not made, great delay of Juſtice, and conſequently great Expences to the Suitors in the ſaid Court will enſue Therefore for the Continuing and Reviving all manner of Actions or Pleas lately depending, and all manner of Proceſs that were Returnable or depending in the ſaid Court, and which were diſcontinued and put without day by the not holding the ſaid Court.*

Be it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That all Pleas, Writs, Actions, Suits, Plaints, Proceſs, Precepts or other things whatſoever, that were Returnable, or had day or dayes in the ſaid Superiour Court of Judicature, or Aſſize and General Goal Delivery, to have been holden and kept as aforeſaid, ſhall ſtand continued and be revived, and are hereby continued and adjourned unto, and ſhall and may be pleaded, heard and proceeded upon at the next Superiour Court of Judicature, Court of Aſſize and General Goal Delivery within the ſaid County of *Eſſex*, to ſit at *Ipſwich* on the Third *Tueſday* in *May* next enſuing.

And that all parties that had day by any Pleas, Writs, Bills, Actions, Suits, Plaints, Proceſs, Precepts or other thing or things whatſoever at or in the ſaid Court to have been kept at *Salem* as aforeſaid, ſhall reſpectively appear at the ſaid next Court to be holden at *Ipſwich*, under the penalty of forfeiting any Obligations or Recognizances conditioned for the appearance of the ſaid parties, at the aforeſaid Court in *Salem*, or under any other penalty that might have incurred upon the ſaid parties, for not appearing at the ſaid Court in *Salem*, if the ſame had been there holden and kept.

Provided nevertheleſs, and it is not to be underſtood by any thing herein contained, That the Jurors Choſen and Summoned to Serve at the ſaid Court at *Salem*, are obliged to appear and ſerve at the ſaid Court to ſit at *Ipſwich*; but that new Jurors ſhall be choſen to ſerve at ſaid Court as of courſe.

Provided

Provided alſo, that where it happens any perſon or perſons being Principals that were under Bond, Obligation or Recognizance for appearance at the ſaid Court to have been holden at *Salem*, are ſince that removed and gone beyond Sea or out of this Province, and ſhall not be returned before the Sitting of the next Court to be held at *Ipſwich*: It ſhall be in the power of the Court Sitting at *Ipſwich*, upon motion made on that behalf, and they are accordingly to allow a continuance of any ſuch Bond, Obligation or Recognizance to ſuch further time as ſhall be thought neceſſary, that no perſon concerned may be ſurprized or have advantage unreaſonably taken againſt them.

And be it further Enacted by the Authority aforeſaid, That when and ſo often as it ſhall happen the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, or the Inferiour Court of Pleas, in any of the reſpective Counties within this Province cannot be held and kept on the day by Law prefixed for holding of the ſame, by reaſon of Death or Sickneſs befalling any of the Juſtices of ſuch Court or any providential neceſſary and unavoidable lett or hindrance of their attendance: It ſhall and may be lawful to and for any two of the Juſtices of ſuch Court reſpectively by Writ under their Hands and Seals directed unto the Sheriff of the County, therein inſerting the occaſion thereof, to adjourn the ſaid Court unto a further day, as in the ſaid Writ ſhall be expreſſed, at as little diſtance of time as poſſibly may be from the day whereon by Law the Court ſhould have ſat, that ſo Juſtice be not deferred or delayed: And the Sheriff upon receipt of ſaid Writ, ſhall cauſe Publication to be made of the ſame at the uſual place of the ſaid Courts Sitting, and ſome other of the moſt Publick Places within the ſame County, and alſo to cauſe a ſignification of ſuch Adjournment, and the time unto which it is made, to be poſted up at or near the houſe or place where the ſaid Court uſes to ſit, and other Publick Places as aforeſaid; to the intent that unneceſſary Travail, Charge and Attendance of all perſons concerned may be prevented; and the Sheriff is to return ſuch Writ with his doings thereon into the Clerks Office of ſuch Court: And all Pleas, Writs, Actions, Suits, Plaints, Proceſs, Precepts, Recognizances and other thing and things whatſoever returnable or having day or dayes in ſaid Court, ſhall ſtand, abide and continue unto the ſaid Adjournment, and be held, deemed and adjudged to be as good, effectual and available in Law to all intents conſtructions and purpoſes, as if ſuch Court had been held and kept on the day by Law for holding of the ſame, and no Adjournment thereof had been made.

Power for Adjourning of Courts.

An Act for the more Effectual Suppreſſing of Drunkenneſs, and putting in Execution the Laws againſt ſuch as ſhall preſume to Sell Strong Drink without Licence.

WHEREAS *divers perſons that obtain Licence for the Retailing of Wine and Strong Liquors out of Doors only, and not to be ſpent or drank in their Houſes, do notwithſtanding take upon them to give Entertainment to Perſons to ſit drinking and tipling there; and others who have no Licence at all, are yet ſo hardy as to run upon the Law, in adventuring to Sell without; Tending to the great increaſe of Drunkenneſs and other Debaucheries: Such Houſes not falling under the inſpection of Officers, as thoſe that are Licenſed.*

Retailers to Sell no other ſorts of drink than what they are Licenſed to, nor to ſuffer perſons to drink in their Houſes, *&c.*

Be it therefore Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That from and after the Publication hereof, every perſon and perſons now Licenſed, or that ſhall hereafter obtain Licence to Retail Wine and Strong Liquors to be ſpent out of Doors, and not otherwiſe, who ſhall be Convicted of entertaining or ſuffering any perſon or perſons to ſit Drinking or Tipling in their Houſes, Cellars, Backſides, or within any of the dependences of ſuch Houſes; Or of ſelling any other ſort of Drink than what they have Licence for, ſhall incur and ſuffer the like penalties and forfeitures as may by Law be inflicted upon perſons ſelling without Licence: to be recovered and imployed in manner as by ſaid Law is directed.

Officers to inſpect Publick Houſes & to preſent ſuch as Sell without.

And all Officers as well Grand-Jurors, Conſtables, Tything-men, as the Officers imployed in and about the Collecting of the Exciſe, are hereby Authorized and Required diligently to ſee that this Act be duly obſerved; and to preſent and inform of all breaches of the ſame, either at the Court of General Seſſions of the Peace, or to ſome Juſtice of the Peace; who are hereby reſpectively impowred to hear and determin the ſaid Offence according to Law: As alſo alike to preſent or inform of any that ſhall preſume to Sell any ſort of ſtrong drink without Licence. And it ſhall and may be lawful to and for any of the aforeſaid Officers reſpectively *Ex Officio* to enter into and inſpect the Houſe of any perſon having once been convicted of ſelling without Licence, as they may by Law into Licenſed Houſes. And if any of the before mentioned Officers ſhall be convicted of taking or receiving any Bribe, Fee or Reward directly or indirectly to connive at, conceal, or not to preſent or inform againſt any perſon or perſons being Licenſed to Retail for ſpending out of Doors only, that ſhall ſuffer perſons to Drink or Tipple in their Houſes or any of the dependences thereof; or for any others who ſhall preſume to ſell without Licence; every Officer ſo offending, ſhall forfeit and pay three times the value of all and every ſuch Sum and Sums by him received as a Bribe, Fee or Reward; one Moiety thereof unto Their Majeſties for and towards the ſupport of the Government, and the other Moiety to him or them that ſhall inform and ſue for the ſame in any of Their Majeſties Courts of Record. And if ſuch Officer be one that be imployed about the Exciſe, over and above the forfeiture aforeſaid, he ſhall *ipſo facto* be diſcharged of and from his ſaid Office, and be rendred uncapable to be imployed in any Publick Service as an Officer, by the ſpace of three years next following.

Penalty for receiving any bribe, *&c.*

Licence to be forfeited upon a third Conviction.

And be it further Enacted by the Authority aforeſaid, That if any perſon Licenſed as a Taverner, Innholder or Retailer of Wine or ſtrong Liquors out of Doors, ſhall tranſgreſs this Act or any other Law of the Province made for the Regulation of ſuch Houſes, in any of the particulars therein mentioned, and ſhall be more than twice convicted of ſuch breach of Law within the compaſs of one year: Every perſon ſo offending over and above the penalty in the Law for ſuch tranſgreſſion, ſhall forfeit his or her Licence, not to be renewed again by the ſpace of three years next following.

Perſons unable, or neglecting to pay their Fine how to be puniſhed.

And if any perſon or perſons duly convicted of the breach of Law in any of the particulars herein before-mentioned, or of ſelling without Licence, ſhall be unable, or neglect to pay and ſatisfy the Fine impoſed by Law for ſuch tranſgreſſion: It ſhall and may be lawful to and for the Court or Juſtice before whom the Conviction is to order ſuch perſon or perſons either to ſtand Committed to the Goal of the County by the ſpace of twenty days without Bail or Mainprize, or to be ſet in the Cage, or Stocks, to remain there, not exceeding the ſpace of three hours.

And it is further Enacted by the Authority aforesaid, That the Select-men in each Town shall cause to be Posted up in all Publick Houses within such Town, a List of the Names of all persons reputed Drunkards or common Tiplers, mispending their time and Estate in such Houses: And every keeper of such House after notice given him as aforesaid, that shall be Convicted before one or more Justices of the Peace of entertaining or suffering any of the persons named in such List, to Drink or Tipple in his or her House, or any of the dependences thereof, shall forfeit and pay the Sum of *Twenty Shillings*; one Moiety thereof to him or them who shall inform of the same, and the other Moiety to and for the use of the Poor of the Town where such Offence shall be committed.

Select-men to cause reputed Drunkards &c. to be posted up.

Penalty on the keepers of Publick Houses giving them Entertainment.

An Act for preventing of mens Sons, or Servants absenting themselves from their Parents or Masters Service without leave.

WHEREAS Complaint has been made by sundry Inhabitants of this Province, that they have sustained great damage by their Sons and Servants deserting their Service without consent of their Parents or Masters, being Encouraged to enter themselves on Board of Private Men of War, or Merchants Ships, and there Entertained.

For Redress whereof,

Be it Enacted by the Lieutenant Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That no Commander of any Private Man of War, or Master of any Merchant Ship or Vessel coming into, tarrying or abiding in, or going forth of any Port, Harbour or Place within this Province, shall receive, harbour, entertain, conceal or secure on board such Ship or other Vessel, or suffer to be there harboured or detained, any mans Son being under Age, or Apprentice, or Covenant Servant, (knowing him to be such, or after notice thereof given) without licence and consent of his Parent or Master in writing under his hand first had and obtained; on pain of forfeiting the Sum of *Five Pounds per* Week, and so proportionably for a longer or shorter time that any Son, Apprentice or Servant, shall be held, harboured, concealed or detained on board any such Ship or other Vessel as aforesaid, without licence and consent as aforesaid; the one Moiety thereof unto Their Majesties, to be imployed towards the support of the Government of the Province, and the other Moiety unto the Parent or Master of such Son, Apprentice or Servant that shall inform and sue for the same in any of Their Majesties Courts of Record within this Province, by Bill, Plaint or Information, wherein no Essoign, Protection or Wager of Law shall be allowed.

Penalty on Commanders or Masters of Ships &c. for Entertaining mens Sons or Servants without leave.

And be it further Enacted by the Authority aforesaid, That every Apprentice or Covenant Servant who shall unlawfully absent himself from his Master, and enter himself on board any Ship or Vessel as aforesaid, with intent to leave his Masters Service; or continue there more than the space of twenty four hours, and be thereof convicted before Their Majesties Justices in General Sessions of the Peace within the same County, shall forfeit unto his Master such further Service from and after the Expiration of the Term which his said Master had in him at the time of his departure, as the said Court shall order, not exceeding one year.

Penalty on Servants deserting their Masters Service.

An Act for Grand Jurors Serving at the Quarter Seſſions of the Peace, and Puniſhing defaults of Jurors attendance.

TO the intent that due Inquiry and Preſentment may be made unto the Court of Quarter Seſſions of the Peace within the reſpective Counties, of all Miſdemeanours, Offences and breaches of Law proper to the Cognizance of ſaid Court happning within ſuch County, for the Suppreſſing and Puniſhing of the ſame; And that Jurors may duly attend the Service for which they are choſen.

Be it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That the Clerk of the Peace of each ſeveral County ſhall annually, fifteen days at leaſt before the day for holding of the Court of Quarter Seſſions of the Peace for ſuch County, iſſue out Writs directed unto the Conſtables of the reſpective Towns within the ſame; Requiring them or one of them forthwith to warn a Meeting of the Inhabitants duly Qualified by Law, for the chooſing of one or more Grand Jurors, according to the number ſuch Town has been accuſtomed to ſend, or otherwiſe ſhall be appointed for them by the Juſtices of the ſaid Court, and the perſon or perſons ſo choſen, to warn to appear at the next Court, and the following Courts of Quarter Seſſions ſucceſſively to be holden for the ſame County within the ſpace of one year, & there to attend the Service belonging to them; and to make return of the ſaid Writ with his doings thereon accordingly unto the ſaid Clerks Office, before the opening of ſaid Court: And if any Conſtable ſhall fail of performing his duty by ſaid Writ required, or ſeaſonably to return the ſame, he ſhall forfeit and pay the Sum of *Forty Shillings*; and the perſons choſen and returned as aforeſaid appearing ſhall be Impaneled and Sworn aGrand Inqueſt for the body of ſuch County, and ſhall continue in ſaid Office for the ſpace of one full year, and until others be choſen and Sworn in their ſtead, whoſe duty it ſhall be to inquire and duly preſent the breach of all ſuch good and wholeſome Laws as are or ſhall be Eſtabliſhed within this Province,and all ſuch miſdemeanours as are proper to their inquiry,and the Jurisdiction of ſaid Court.

Grand Jurors to ſerve a full year.

Their duty.

And if any perſon choſen to ſaid Office, and Summoned by the Conſtable and ſo returned by him, ſhall make default in appearance without reaſonable excuſe made and allowed of by the Court, the ſaid Court ſhall and may ſet a Fine upon him, not exceeding the Sum of *Forty Shillings*. And a new Writ ſhall iſſue forth unto the Town to chooſe another in his room, and ſo likewiſe in caſe of the removal of any by Death or otherwiſe.

40 *s.* Fine for non appearance.

And be it further Enacted by the Authority aforeſaid, That if any perſon or perſons legally choſen and ſummoned to Serve upon the Petit Jury for Tryals in the Superiour Court of Judicature, Court of Aſſize and General Goal delivery, or in any of the Inferiour Courts of Common Pleas, or of General Seſſions of the Peace; being ſo returned by the Conſtable under his hand, ſhall make default of appearance, and not attend the ſaid Service, without reaſonable excuſe made and allowed of by ſuch Court; every perſon and perſons ſo offending ſhall be fined by ſaid Court (who are hereby impowred thereto) not exceeding the Sum of *Twenty Shillings*.

Petit Jurors making default to be fined not exceeding 20 *s.*

See Act to prevent default in the appearance of Jurors page

All Fines and forfeitures accruing by virtue of this Act ſhall be paid into the Treaſurer of the County, where the ſame do ariſe, and be imployed towards the defraying of the Publick Charges of ſuch County.

Fines & forfeitures to come to the County.

And in caſe any perſon or perſons Sentenced to pay any of the ſaid Fines or Forfeitures ſhall neglect or refuſe ſo to do, the ſame ſhall be levied by diſtreſs and ſale of the Offenders Goods or Chattels by Warrant from the Court that awarded the ſame, to be Signed by the Clerk of ſaid Court; together with the incident charges ariſing for taking ſuch diſtreſs according to the Fees by Law allowed for levying of Executions, and *Two Shillings* for the Warrant to be paid unto the Clerk that granted the ſame.

How to be levied.

And

And all Grand Jurors ſhall be allowed by the County Treaſurer the Sum of *Two Shillings per Diem* each man, during their attendance on any Court; the time to be Certified unto the County Treaſurer by the Clerks of the reſpective Courts. And no Grand Juror ſhall be compelled to Serve more than one year in three: Nor any Petit Juror more than at one Court within the compaſs of a year. Grand Jurors allowance.

An Act for Supplying the defects in the Act Entituled, *An Act Encouraging the Killing of Wolves.*

WHEREAS *by the Act Entituled,* An Act Encouraging the Killing of Wolves, *made and paſſed at the Seſſion of the General Aſſembly, begun and held at* Boſton *the Thirty firſt day of* May, *in the Fifth Year of Their preſent Majeſties Reign; there is Proviſion for payment to be made unto the perſon or perſons who ſhall Kill any grown Wolf or Wolves Whelp, out of the Town Stock, in which ſuch Wolf is Killed, or of the Town lying next Adjacent thereto, and that the ſaid diſburſt, the ſame being made to appear, ſhall be allowed unto ſuch Town, by the General Treaſurer of the Province out of the Publick Treaſury.*

But foraſmuch as there is no particular direction in the ſaid Act how or in what manner ſuch payment out of any Town Stock ſhall be made appear, ſo as to juſtify the Treaſurer in allowing of the ſame; and the better to prevent any fraud therein.

Be it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That every perſon or perſons Killing any grown Wolf or Wolves whelp (other than ſuch as ſhall be taken out of the Belly of any Bitch Wolf) within any Town of this Province, and bringing the head thereof unto the Conſtable of ſuch Town or of the Town next adjacent, the Conſtable in the preſence of one or more of the Select men, ſhall cut both the Ears off the ſame, and ſuch Select man or men and Conſtable, ſhall give the party a Receipt for the ſaid head, expreſſing whither it be a grown Wolf or a Whelp; and upon producing ſuch Receipt, the party ſhall be paid and allowed by the Select men or Treaſurer of ſuch Town out of the Town Stock, for the ſame, as in and by the ſaid Act is directed. And all ſuch payments ſo made ſhall be Certified unto the Treaſurer and Receiver General, under the hands of the major part of the Select men in ſuch Town, and Town Treaſurer (where any ſuch be) or Town Clerk, in manner following, *That is to ſay.* Conſtable & one or more Select men to give Receipt for Wolves Heads.

Mr. Treaſurer,

THis may Certify, That there has been paid unto ſundry perſons out of the Town Stock of *A.* for grown Wolves, and Wolves Whelps kill'd in and near unto our Town, ſince the day of laſt paſt, and the heads thereof brought unto our Conſtables, and the Ears cut off in preſence of ſome of our ſelves, as the Law directs, & ſo Certified unto us, in the whole the Sum of *Pounds* which Sum we deſire you to allow unto our Town, by diſcounting the ſame with *B. C.* Conſtable, out of the Publick Aſſeſsment, committed to him to Collect in our Town. Dated in *A.* aforeſaid, the day of

Select men.
Town Treaſurer.
Or
Town Clerk.

Certificate to the Treaſurer

And be it further Enacted, That the Treaſurer do cauſe a competent number of blank Certificates in the Form above-ſaid, to be printed at the publick Charge, and affix his own Seal thereto, and is hereby Ordered to deliver ſo many unto the Select men of each Town and place reſpectively, or ſome one of them, as ſhall be neceſſary for the uſe of ſuch Town or Place.

ACTS and LAWS

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts Bay* in *New-England*. Begun and Held at *Boſton*, the Twenty-ninth Day of *May*, 1695.

An Act to prevent Inceſtuous Marriages.

ALTHOUGH this Court doth not take in hand to determine what is the whole Breadth of the Divine Commandment reſpecting unlawful Marriages. Yet for preventing of that abominable Diſhoneſty and Confuſion which might otherwiſe happen.

Degrees of Kindred forbidden Marriage.

Be it Enacted by the Lieutenant Goveruour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That no man ſhall Marry any Woman within the degrees hereafter named in this Act, *That is to ſay,* No man ſhall Marry his *Grand-fathers Wife, Wives Grand mother, Fathers Siſter, Mothers Siſter, Fathers Brothers Wife, Mothers Brothers Wife, Wives Fathers Siſter, Wives Mothers Siſter, Fathers Wife, Wives Mother, Daughter, Wives Daughter, Sons Wife, Siſter, Brothers Wife, Wives Siſter, Sons Daughter, Daughters Daughter, Sons Sons Wife, Daughters Sons Wife, Wives Sons Daughter, Wives Daughters Daughter, Brothers Daughter, Siſters Daughter, Brothers Sons Wife, Siſters Sons Wife, Wives Brothers Daughter, Wives Siſters Daughter.* And if any man have already Married, or ſhall hereafter Marry, or have carnal Copulation with any Woman who is within the degrees before recited in this Act; every ſuch Marriage ſhall be and is hereby declared to be Null and Void. And all Children that ſhall hereafter be born of ſuch Inceſtuous Marriage or Copulation, ſhall be for ever diſabled to Inherit by Deſcent, or by being generally named in any Deed or Will by Father or Mother.

Penalty for any within the ſaid Degrees that ſhall Marry.

And be it further Enacted by the Authority aforeſaid, That every Man and Woman who ſhall Marry, or carnally know each other, being within any of the degrees before recited in this Act, and ſhall be convicted thereof before His Majeſties Juſtices of Aſſize and General Goal Delivery; ſuch Man and Woman ſo convicted, ſhall be ſet upon the Gallows by the ſpace of an hour, with a Rope about their Neck, and the other end caſt over the Gallows: And in the way from thence to the Common Goal, ſhall be ſeverely Whipped, not exceeding Forty Stripes each. Alſo every perſon ſo offending ſhall for ever after wear a Capital I of two inches long, and proportionable bigneſs, cut out in cloth of a contrary colour to their Cloaths, and ſewed upon their upper Garments on the out ſide of their Arm, or on their back in open view. And if any perſon or perſons having been convicted and ſentenced for ſuch Offence, ſhall at any time be found without their Letter ſo worn, during their abode in this Province, they ſhall by Warrant from a Juſtice of the Peace be forthwith Apprehended and Ordered to be publickly Whipp'd not exceeding Fifteen Stripes, and ſo from time to time *toties quoties.*

Penalty on ſuch whoſe Marriage is declared Null to converſe or dwell together.

And be it further Enacted by the Authority aforeſaid, That if any Man or Woman whoſe Marriage is by this preſent Act declared Null and Void; ſhall be ſo hardy as to converſe together as Man and Wife, or ſhall continue to dwell in the ſame Houſe at any time after the ſpace of forty day next after the Publication of this preſent Act, and be there-

of

of Convicted; or if any Man and Woman who shall hereafter be divorced or their Marriage declared to be null and void, according to the Law of this Province, shall Cohabit or Converse together as Man and Wife, and be thereof Convicted, all and every such persons shall suffer the pains and penalties mentioned in an Act made and passed by the Great and General Court or Assembly, at their Sessions begun and held the Thirtieth Day of *May*, One Thousand Six Hundred Ninety Four, Entituled, *An Act against Adultery and Poligamy*; which in and by the said Act are set and imposed upon such as shall be taken in Adultery. And it shall be in the power of the Justices of the Superiour Court of Judicature, to Assign unto any Woman so separated, such reasonable part of the Estate of her late Husband as in their discretion the circumstances of the Estate may admit, not exceeding one third part thereof.

And for the better preventing of Clandestine Marriages.

Be it Enacted by the Authority aforesaid, In Addition to the Act Entituled, *An Act for the orderly Consummating of Marriages.* That no Person other than a Justice of the Peace, and that within his own County only, or Ordained Minister, and that only in the Town where he is setled in the Work of the Ministry; shall or may presume to joyn any Persons together in Marriage; Nor shall any Justice or Minister, joyn any Persons in Marriage other than such, one or both of whom are Inhabitants or Residents in such County or Town respectively, nor without Certificate produced under the hand of the Clerk of the several Towns where the parties respectively dwell, that the names and intention of the said parties have been entred with him fifteen days before hand; and that due Publication of such their intention or purpose has been made in manner as by Law is directed; Nor without evident signification that the Parents of such persons, or others whose immediate care or government they are under, are knowing of and consenting to such Marriage: On pain that every Justice, Minister, or other person offending against this Act, shall for every such Offence, forfeit and pay the Sum of *Fifty Pounds*, as a fine for and towards the defraying of the Publick Charges arising within such County where the offence is committed, to be sued for and recovered by the County Treasurer in any of His Majesties Courts of Record within the same, by Bill, Plaint or Information; and shall and are hereby for ever after disabled to joyn persons in Marriage; and be further liable to the Action and Suit of the Parent, Guardian or others whose immediate care or government either of the parties were under at the time of such Marriage, that are agrieved thereat and shall prosecute the same.

Justices and Ministers not to Marry persons out of their County or Town respectively.

Names and intention of Marriage to be Entred with the Town Clerk.

Penalty on Justices or Ministers offending.

And be it further Enacted, That if at any time the Banns of Matrimony betwixt any persons shall be forbidden, the Publisher thereof shall forbear to proceed therein, until the matter have been duly inquired into and heard before two of the Justices of the same County, and that they certify under their hands, either that the cause was insufficient, or that it is removed.

Banns forbidden not to be out ask'd till the matter be heard, &c.

And all Marriages shall be Registred by the Town Clerk of the same Town where they are consummated; and every Justice or Minister as aforesaid, shall return a Note or Certificate unto the Clerk of the Town, of the names of all persons which they shall Marry, and of the time when, within three months at farthest after Consummation of the same, and shall allow and pay out of his Fee unto the Clerk for Entring the same *Three pence*: Any Law, Usage or Custom to the contrary notwithstanding.

Town Clerk to Register Marriages.

And be it further Enacted by the Authority aforesaid, That if any Man shall wear Womens Apparrel; or if any Woman shall wear Mens Apparrel,

Penalty on men and women that shall wear contrary Apparrel.

Apparrel, and be thereof duly Convicted; they shall be corporally punished or Fined, at the discretion of the Quarter Sessions, not exceeding *Five Pounds*, to the use of the County where the Offence is Committed, towards the defraying of the County Charges.

An Act for Regulating the Assize of Shingles.

WHEREAS *it has been accustomed that Shingles exposed to Sale, are close Packt up in Bundles, so that the quality of them cannot be seen, and do frequently fall short of the due Assize and Dimentions, whereby great Injustice may be done.*

For Remedy whereof.

Be it Enacted by the Lieutenant Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That all Shingles exposed to Sale, shall be made of good sound Timber, and of the following Dimentions, *That is to say*, each Shingle to bear eighteen Inches or fifteen Inches in length; and not under three and half Inches in breadth, nor under half an Inch thick, and well shaved; all Shingles of eighteen Inches and fifteen Inches respectively, to be made up in distinct Bundles by themselves.

Assize of Shingles.

And be it further Enacted by the Authority aforesaid, That from and after the first day of *September* next ensuing, No person shall expose to Sale any such Shingles, which are not of the full dimentions, of length, breadth and thickness aforesaid; On pain of forfeiting every bundle, wherein any Shingles shall be found under any of the said dimentions of length, breadth or thickness. And if any person to whom any Shingles are tendred to be Sold, shall desire to have them viewed, upon his application made to a Justice of Peace, such Justice is hereby Impowred to make out a Warrant for the appointing and authorizing some able House-Carpenter to view and measure the same; and to administer an Oath unto him to deal faithfully and impartially therein; and in the presence of the Owner or Vender of such Shingles (if he see cause to be there) to perform the said Service, and to make seizure of all such bundles of Shingles, in which there shall be any found under the full dimentions above mentioned, in any particular thereof. And upon such return made by the said Officer under his hand to the Justice who granted the Warrant, such Justice shall declare the said Shingles to be forfeited; and cause them to be delivered unto the Select-men or Overseers of the Poor of the Town, where they are offered to Sale, to be imployed to and for the use of the Poor of such Town: The charges of viewing being first defrayed and answered for out of the same: But where there appears no defects, the person at whose desire the Survey is appointed, shall answer the whole charge thereof.

All Shingles under due Assize, exposed to sale to be forfeited.

Justices of the Peace to appoint a Viewer.

Defective Shingles forfeited to be to the use of the poor.

An Act for the better Settlement of the Islands of *Marthas Vineyard*, and Islands adjacent.

BE it Enacted by the Lieutenant Governour, Council and Representatives, Convened in General Court or Assembly, and by the Authority of the same, That the Islands of *Marthas Vineyard*, *Elsabeth* Islands, the Islands called *Nomans-Land*, & all the dependencies formerly belonging to *Dukes* County (the Island of *Nantucket* only excepted) shall be, remain and continue to be one County

ty to all intents and purpoſes, by the name of *Dukes County*: And all Appeals from any Judgment or Judgments given or to be given in any of the Inferiour Courts of Pleas within the ſaid County, ſhall henceforth be heard and tryed at the Superiour Court of Judicature to be holden from time to time at *Plymouth* within the Neighbouring County of *Plymouth*, any Law, Uſage or Cuſtom to the contrary notwithſtanding: the Jurors to Serve at ſaid Superiour Courts of Judicature to be from time to time choſen and ſummoned out of the ſeveral Towns within the ſaid County of *Plymouth* and *Dukes County* according to the directions in the Law in ſuch caſe provided. The Iſland of *Nantucket* to remain and continue under the ſame Form of Government as is already there ſetled: and Appeals from the Judgments given or to be given in the Inferiour Court of Pleas within the ſaid Iſland, to be heard and tryed in the Superiour Court of Judicature to be held at *Boſton* within the County of *Suffolk* as is by Law provided.

Appeals from Courts in *Dukes* County to be to *Plymouth*.

Appeals from Courts in *Nantucket* to be to *Boſton*.

An Act in further Addition to the Act Entituled, *An Act for the Settlement and Support of Miniſters.*

Be it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That when at any time a Church ſhall make choice of a Miniſter, and preſent their choice unto the Inhabitants of the Town or Precinct in a Publick meeting duly warned and aſſembled for that purpoſe, to have their concurrance therein; and the Inhabitants ſo Aſſembled, ſhall by a major Vote deny their approbation of the Churches choice; the Church may call in the help of a Council conſiſting of the Elders and Meſſengers of three or five Neighbouring Churches, which Council are hereby Impowred to Hear, Examine and Conſider the exceptions and allegations made againſt the Churches Election. And in caſe the Council ſhall notwithſtanding approve of the ſaid Election, ſuch Miniſter accepting of the Choice, and ſetling with them, ſhall be the Miniſter of the Town or Precinct, who ſhall be in all reſpects ſupported and maintained, as by the ſaid Act is provided; but if otherwiſe, the Church ſhall proceed to the Election of another Miniſter.

And it is further Declared, That no perſon by reaſon of his Voting in the Church ſhall be precluded from Voting as an Inhabitant of the Town: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

ACTS and LAWS

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*. Begun and Held at *Boſton*, the Twenty ninth Day of *May*, 1695. And continued by ſeveral Adjournments until the Twentieth of *November* following.

An Act for the better diſcovery and more effectual Suppreſſing of Unlicenſed Houſes.

FORASMUCH as divers Ill diſpoſed and Indigent Perſons, the Pains and Penalties in the Laws already made not regarding, are ſo hardy as to preſume to Sell and Retail Strong Beer, Ale, Cyder, Perry, Wine, Rhum, or other ſtrong Liquors or mixt Drinks, and to keep common Tipling Houſes, therein harbouring and entertaining Apprentices, Indians Negroes, and other idle and diſſolute perſons, tending to the ruin and impoveriſhment of Families, and to all Impiety and Debaucheries; And if detected and convicted of any ſuch Offence, are unable to ſatisfie the Fine impoſed by Law for the ſame: And cannot be puniſhed by Impriſonment without wrong to their Families.

For Remedy whereof, and the more effectual deterring and ſuppreſſing of ſuch Evil Practices.

Be it Enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That when and ſo often as any perſon being duly convicted of keeping a common Tipling Houſe, or Selling Strong Beer, Ale, Cyder, Perry, Wine, Rhum, or other ſtrong Liquors or mixt Drink by Retail, without Licence firſt orderly had and obtained for the ſame, ſhall be unable to anſwer and ſatisfy the Fine impoſed by Law for ſuch Tranſgreſſion, together with the Charge of Proſecution; or that ſhall not pay ſuch Fine and Charges (and likewiſe give Bond for the good Behaviour, if it be a ſecond conviction) within the ſpace of twenty four hours next after Sentence declared in that reſpect: It ſhall and may be lawful to and for two Juſtices of the Peace, or the Court before whom the Conviction ſhall be, to order ſuch Offender to be openly Whipt with ſo many Stripes as in their Diſcretion ſhall be thought fit, not leſs then ten, nor exceeding fifteen for one Offence; And to reſtrain the Offender in Priſon, until the Fine and Charges as aforeſaid are paid, or the Order for corporal puniſhment be Executed.

Perſons unable to pay the Fine to be Whip't.

And be it further Enacted by the Authority aforeſaid, That it ſhall & may be lawful to and for any Grand Jurors, Conſtable, Tything-men, & the Officers imployed in and about the Exciſe, *Ex Officio* to enter into the Houſe & Dependencies thereof, of any ſuch perſon as aforeſaid, ſuſpected of Selling ſtrong Drink without Licence, having once been convicted thereof, and taking with them ſuch aſſiſtance as they ſhall think needful, to make ſearch for ſtrong Drink, & finding any quantity of any kind of the Drinks herein before-mentioned, to ſeiz and ſecure the ſame, ſo as it be within the ſpace of one year next after ſuch conviction, and to inform thereof at the next General Seſſions of the Peace to be holden within the ſame County, or unto two Juſtices of the Peace (*Quorum Unus*) within the ſame; And if the quantity of Drink ſo ſeized ſhall be judged by ſuch Court or Juſtices to be more than for the neceſſary uſe of the Family, and what their condition may reaſonably allow them to Expend, or otherwiſe to have in their Cuſtody: It ſhall and may be lawful to and for ſuch Court or Juſtices to declare all ſuch Drink to be forfeited; one Moiety thereof unto the party that ſeized and informed of the ſame, and the other Moiety to the Select-men or Overſeers of the Poor of the Town where it was Seiz'd, to the uſe of the Poor there, & to order the diſpoſal thereof accordingly.

Officers power to ſeiz drink found in Unlicenſed Houſes.

Provided nevertheleſs, That any perſon agrieved at the Sentence of any two Juſtices for either of the Offences before-mentioned may Appeal therefrom unto the next General Seſſions of the Peace within the ſame County; Provided ſuch Appeal be claimed in due time, and ſecurity given in manner as the Law in ſuch caſes directs.

Appeal from the Sentence of 2 Juſtices.

An

An Act for taking of Affidavits out of Court.

FORASMUCH as it is often neceſſary, That Witneſſes in Civil Cauſes be Sworn out of Court, when by reaſon of their going to Sea, living more than Thirty Miles diſtant from the place where the Cauſe is to be Tryed, Age, Sickneſs or other Bodily Infirmity, they are rendred uncapable of Travail, and appearing in Perſon at the Court. To the intent therefore that all Witneſſes may indifferently teſtify their certain knowledge, and the whole truth in the Cauſe they are to ſpeak unto.

Be it Enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That for either of the Reaſons before mentioned, and not otherwiſe, every Juſtice of the Peace, or others lawfully Commiſſionated and Impowred thereto by two or more of the Juſtices of the Superiour or Inferiour Court reſpectively, may take Affidavits out of Court, ſo as a Notification with reaſonable time be firſt made out and delivered to the adverſe Party (if within twenty miles of the place) or left at the place of his Dwelling or uſual Abode, to be preſent at the time of taking ſuch Affidavit, if he think fit; and every ſuch Witneſs ſhall be carefully Examined and Cautioned to teſtify the whole truth; and being Sworn, the Juſtice ſhall atteſt the ſame, with the day, month and year of the Caption thereof, and that the adverſe party was preſent (if ſo) or that a Notification was ſent him, and ſhall ſeal up the Teſtimony, and deliver it to the Party (if deſired) at whoſe Requeſt it was taken: And no perſon intereſted ſhall write or draw up the Teſtimony of any Witneſs in ſuch Cauſe, nor any Attourney in his Clients Cauſe; And if it manifeſtly appear any Teſtimony to be written or drawn up by any Intereſted, or the Attourney in the Cauſe, or be returned from any Juſtice of the Peace by other hand than his own, into the Court where the ſame is to be uſed, unſealed, or the Seal having been broken up, all ſuch Teſtimonies ſhall be rejected by the Court, and be utterly void, and of no effect in Law.

Adverſe party to have notification.

No perſon intereſted or the Attourney to write Affidavits.

Affidavits to be returned to the Court Sealed up.

And be it further Enacted by the Authority aforeſaid, That every Juſtice of the Peace ſhall be, and hereby is Impowred, upon Requeſt to him made, to Grant Summons for the Appearance of any Witneſs before him in any Civil or Criminal Cauſe, where ſuch Witneſs is bound to Sea before the time of Tryal, and to take his Depoſition in ſuch Cauſe, the adverſe party being preſent, or notification ſent him as aforeſaid.

Juſtices to grant Summons for Witneſſes.

Provided nevertheleſs, That Witneſſes to Bonds, Specialties, Letters of Attourney, and other Inſtruments in writing under the Hand of the Party Executing the ſame, or to Accompts or Teſtimonies relating to perſons out of this Government, or to be ſent beyond Sea, may be Sworn without ſuch Notification as aforeſaid.

Witneſſes to Bonds and other writings may be Sworn without notification.

And be it further Enacted by the Authority aforeſaid, That all Affidavits relating to the Poſſeſſion of any Houſes or Lands, or any other matter, *in perpetuam rei memoriam*, ſhall be made and taken before ſome Court of Record, or two or more Juſtices of the Peace, *Quorum Unus.*

Affidavits *in perpetuam rei memoriam* to be Sworn in Court or before 2 Juſtices.

And it is further Enacted, That all perſons Forſwearing themſelves in any ſuch Affidavits taken as aforeſaid, ſhall incur the ſame Penalties, as if they had been taken in open Court.

Penalty for perjury.

ACTS and LAWS

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*. Begun and Held at *Boſton*, the Twenty ninth Day of *May*, 1695. And continued by ſeveral Adjournments until the Twenty ſixth of *February* following.

An Act for the granting unto His Majeſty, An Additional Tax of *Two Thouſand Three Hundred Thirty Three Pounds, Nine Shillings* and *Three-pence*, unto the Tax upon Polls and Eſtates, granted by an Act of this Court, at their Seſſions begun the Twenty-ninth Day of *May* laſt paſt.

FOR *the Support of the Government within this His Majeſties Province of the* Maſſachuſetts Bay, *and anſwering of the incident and contingent Charges in and about the ſame: For a vigorous Proſecution of the War againſt the* French *and* Indian *Enemy and Rebels; For the payment of juſt Debts already Contracted, or to be Contracted on the Publick Account within this Province, and ſuch Grants and Allowances as have been or ſhall be made and ordered by the General Court or Aſſembly to particular perſons; For the Repairs and Support of His Majeſties Caſtle, upon* Caſtle-Iſland, *and the Garriſon there; For the making good* One Hundred Pounds *Miſcaſt in the Grant of* Nine Thouſand Five Hundred Fifty Nine Pounds, *including a former Grant by Act of the General Aſſembly, Paſſed at their Sitting by Adjournment the Fifth Day of* September, *One Thouſand Six Hundred Ninety Four, Entituled,* An Act, For Regulating of the late Tax, and for Granting an Additional Supply of Mony. To the ends and intents aforementioned, and none other. We the Repreſentatives of this His Majeſties ſaid Province of the *Maſſachuſetts Bay* Do Grant unto His Moſt Excellent Majeſty, a Tax of *Two Thouſand* and *Eight Pounds, Nineteen Shillings* and *Three-pence* in Money, to be Raiſed and Levied upon Polls and Eſtates, both real and perſonal within the ſame, as in and by this preſent Act for the manner and proportion thereof, is directed and ſet forth.

And be it Enacted by the Lieutenant Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That the Treaſurer do forthwith make out and ſend Warrants to the Select-men or Truſtees, and Commiſſioner of each reſpective Town and Precinct within this Province, Requiring them to aſſeſs all their rateable Male Polls and Eſtate, both real and perſonal, lying within ſuch Town or Precinct, and the Dependences thereof, one full and juſt third part of the Sum total of the two ſeveral Liſts returned unto the Treaſurer, upon the Grant made at the Seſſion of this Court, begun and held the Twenty Ninth of *May* laſt paſt; the Liſts of the ſame that are returned amounting to the Sum of *Six Thouſand* and *Twenty Six Pounds Seventeen Shillings* and *Eight Pence*. Which ſaid third part is to be aſſeſſed proportionably upon Polls and Eſtates, according to the Rules and Directions in the Act for the ſaid Grant preſcribed and particularly ſet down, and the ſaid Liſts ſo made, to return unto the Treaſurer, with a Notification of the Names of the Conſtables or Collectors of ſuch Town or Precinct reſpectively, at or before the laſt day of *March* Inſtant. And the Treaſurer is hereby further Impowred and Ordered to ſend out Warrants directed to the Conſtables or Collectors of the ſaid ſeveral Towns and Precincts, together with the ſaid Liſts, requiring them to collect & pay in the Sum therein mentioned, into the Treaſury, and to Iſſue their Accompts thereof with himſelf or Succeſſor, at or before the Twenty Ninth Day of *May*, which will be in the Year of our Lord God, One Thouſand Six Hundred Ninety Six.

Provided nevertheleſs, Foraſmuch as the Select-men or Truſtees of the ſeveral Towns and Precincts hereafter named, have omitted their Duty, in not returning unto the Treaſurer the Liſts of their ſaid Towns or Precincts reſpective Sums

Sums and Proportions unto the aforeſaid Tax Granted by this Court at their Seſſion begun the Twenty Ninth Day of *May* laſt paſt, and have hitherto paid nothing towards the ſame. To the intent therefore that they may bear their juſt and equal proportion of Publick Charges.

Be it Enacted by the Authority aforeſaid, That the ſaid ſeveral Towns and Precincts, ſhall pay towards the ſaid former, and this Additional Grant the reſpective Sums following. *That is to ſay,*

	l	*s*	*d*
York, Ten Pounds.	10	00	00
Wells, Ten Pounds.	10	00	00
Kittery, Twenty Pounds.	20	00	00
Iſle of Shoales, Five Pounds.	5	00	00
Edgar Town, Forty One Pound.	41	00	00
Chilmark, Twenty One Pounds, ſix ſhillings, eight pence.	21	06	08
Tisbury, Twenty One Pounds ſix ſhillings eight pence.	21	06	08
Nantuckett, Eighty Pounds.	80	00	00
Southfield, Twenty Pounds.	20	00	00
Enfield, Five Pounds.	05	00	00
Eaſtham, Ninety Pounds, ſixteen ſhillings eight pence.	90	16	08

The whole proportion of the ſaid before named Towns and Precincts, amounting to Three Hundred Twenty Four Pounds Ten Shillings being added to the Two Thouſand and Eight Pounds Nineteen Shillings and Three pence before mentioned, makes this Additional Grant to be Two Thouſand Three Hundred Thirty Three Pounds Nine Shillings and Three-pence, & the whole Tax (iucluding the Sum formerly returned) to be Eight Thouſand Three Hundred and Sixty Pounds Six Shillings and Eleven-pence.

And the Treaſurer is hereby Ordered forthwith to ſend out Warrants directed unto the Select men, or Truſtees and Commiſſioner for Aſſeſsment (if any ſuch there be) of the ſeveral Towns and Precincts before-named, requiring them forthwith to aſſeſs the Sum herein ſet and proportioned, unto the ſaid ſeveral Towns and Precincts, upon all the rateable Male Polls and Eſtate, both real and perſonal lying within the ſame, according to the Rules and Directions in the Act for the aforeſaid Grant, and in this preſent Act preſcribed and ſet down and to return a Liſt thereof unto himſelf, at or before the laſt day of *March* Inſtant: And the Treaſurer upon Receipt of the ſame is hereby further Impowred and Ordered to ſend forth his Warrants, together with the ſaid Liſts, unto the Conſtables or Collectors of the ſaid ſeveral Towns and Precincts requiring them to collect and pay in the Sum therein mentioned into the Treaſury, and to iſſue their Accompts thereof with himſelf or Succeſſor, as aforeſaid, at or before the ſaid Twenty Ninth Day of *May*, which will be in the Year of our Lord God, One Thouſand Six Hundred Ninety Six.

And for the better Enabling the Treaſurer to Enforce the bringing in of the Monies herein mentioned to be Granted, & the Arrears of all Publick Rates & Taxes whatſoever, at any time or Times heretofore granted either due from any Town or Towns, or in the hands of any Sheriff, Conſtable or Collector, the Accompts whereof lye open & unfiniſhed, or where any Select-men or Aſſeſſors have or ſhall fail of performing the Duty & Service lawfully required of them.

Be it Enacted by the Authority aforeſaid, That the Treaſurer ſhall be, and hereby is fully Impowred & Authorized, to take, uſe and execute all ſuch Methods, Directions, Powers, & Authorities as have heretofore been given him in and by any Act or Acts of the General Aſſembly, or in any Clauſe, Branch or Article thereof, for the obtaining and drawing into the Treaſury as well all the Monies mentioned to be Granted in and by this preſent Act, as all Arrears of any former, and other Rates and Taxes whatſoever, as fully & effectually as if the ſame Directions, Methods, Powers, & Authorities had herein been again particularly Recited & Re-enacted, and notwithſtauding any limitation or reſtraint thereof in the particular Act or Acts wherein the ſame are enumerated, ſet down and expreſſed. And all Select-men, Truſtees or Aſſeſſors, Sheriffs, Conſtables or Collectors failing of performing the Duty and Service of them reſpectively required, ſhall be liable and ſubject unto the like Pains, Penalties and Forfeitures to be proſecuted, had and recovered of them in the ſame way and manner, and before the ſame Judicatories, as in and by the ſaid Acts, or any of them are ſet, declared and preſcribed. And

And be it further Enacted, That the Treaſurer be, and is hereby Impowred to Iſſue forth and pay a certain number of Bills of Credit, to the value of *Four Thouſand Pounds* more than what is before Ordered according to the aforeſaid Act for which this preſent Tax, and the Impoſt and Excile ſhall be a Fund.

And be it Declared and Enacted by the Authority aforeſaid, That the Accompts of the Iſſuing and Diſpoſal of Monies and Sums of Mony granted and raiſed, and that hereafter ſhall be granted and raiſed by the General Aſſembly, for the Support and Defence of this His Majeſties Province, and that hath or ſhall come into the Publick Treaſury, by any other wayes or means whatſoever, ſhall be by the Treaſurer laid before the Great and General Aſſembly, when by them required, for their Examination, Approbation and Allowance from time to time as hath been accuſtomed. And all ſuch Approbations and Allowances of the General Aſſembly heretofore, and that hereafter ſhall be paſſed, ſhall be to the Treaſurer a full and final Diſcharge.

An Act for the Encouragement of making Salt, within this Province.

FORASMUCH as the Inhabitants of this Province are brought into great Straits by reaſon of the dearneſs and ſcarcity of Salt; Many of our Veſſels imployed in fetching of it from Tartonda, *and other Places, being taken by* Privateers, *and others Diſcouraged from Undertaking ſuch Voyages during this time of War: And whereas* Eliſha Cook, Eliſha Hutchinſon, *and* John Foſter, *Eſqrs. Have informed this Court, that Propoſals have been offered them of the poſſibility of making Salt here after the manner as it is made in* France. For a Trial whereof, a conſiderable Sum of Money muſt be advanced, and great pains taken, and that with uncertainty of Succeſs.

Wherefore for the promoting of a Deſign that will be ſo univerſally beneficial, it it take effect.

Be it Enacted by the Lieutenant Governour, Council and the Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That the whole priviledge and benefit of making Salt within this Province, ſhall be to the ſaid *Eliſha Cook, Eliſha Hutchinſon*, and *John Foſter* and to their Aſſociates, during the ſpace of Fourteen Years: And if any perſon or perſons ſhall make any Salt as above-ſaid within this Province during the ſaid Term of Fourteen Years next coming; or ſhall Import any Salt into this Province, made as above-ſaid in any other Province or Place in *New England*: They ſhall yield and pay as a Cuſtome, the value of *Ten Shillings per* Hogſhead for all ſuch as ſhall be Imported as above-ſaid; one half to the Undertakers, *Eliſha Cook, Eliſha Hutchinſon*, and *John Foſter* Eſqrs. and their Aſſociates, the other half to the uſe of the Poor of the Town where the ſame ſhall be Seized, to be Recovered, as other Cuſtoms are; whether the ſame be Seized on Board any Ship or Veſſel Importing it; or in any Store-houſe, or Place on Shore, within ſix months after its being ſo Imported. *Provided* that the ſaid *Eliſha Cook, Eliſha Hutchinſon*, and *John Foſter*, ſhall cauſe to be made as above-ſaid, One Hundred Hogſheads of good Merchantable Salt within this Province before the Expiration of the Year One Thouſand Seven Hundred. Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

AN ACT

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*. Begun and Held at *Boston*, the Twenty-seventh Day of *May*, 1696.

An Act against Piracy & Robbing upon the Sea.

WHEREAS *divers great Disorders, wicked practices and Depradations, have been and are frequently committed by several of His Majesties Subjects in and upon the Seas, to the great damage and prejudice of His Majesties Allies, and contrary to Treaties of Peace, and the good Correspondence which ought to be maintained amongst Christian Kings, Princes and States, is thereby lessened and impaired. And whereas, also divers of His Majesties Subjects have and do commit divers Inhumane and Hostile Acts and Depradations upon the Subjects and Allies of divers Princes and States in Forreign Parts, in amity with His Majesty; which by reason of the remoteness of the place where the Fact was committed, can very rarely be proved by witness indifferent, and many times Kill and Murder such persons being in the Ship or Boat where such Offences are perpetrated, which should bear witness against them in that behalf. And whereas divers persons to whom private Commissions of War are granted, do many times take, rob and spoil the Ships, Goods, Merchandizes, and things belonging to the Subjects of Princes and States in amity with the Crown of* England, *and Burn, Sink or Destroy such Ships or Vessels wherein such Goods, Merchandizes and Things were taken, that the same may not be discovered and known, contrary to the intent and meaning of the Granting of such Commissions, and the Instructions therewith given them. Which disorders, wicked practices and depradatims ought to be detested and abhorred by all His Majesties Subjects*: And for prevention and reformation thereof.

Be it Enacted by the Lieutenant Governour, Council and Representatives Convened in General Assembly, And it is hereby Enacted by the Authority of the same, That all Treasons, Felonies, Robberies, Murthers and Confederacies hereafter to be committed in or upon the Sea, shall be Enquired, Tryed, Heard, Determined and Judged in such Counties and Places as shall be limited by Commission or Commissions from the Governour, Lieutenant Governour, or Commander in Chief for the time being of this Province, by & with the advice and consent of the Council, to be directed for the same in like manner and form, as if such Offence or Offences had been committed or done in or upon the Land: And such Commissions shall be had under the Seal of the Province, directed to three or more substantial persons from time to time, and as oft as need shall require to hear and determin such Offences after the common course of the Laws of this Province, used for Treasons, Felonies, Robberies, Murthers and Confederacies done and committed upon the Land within the same.

Treasons, Felonies, Robberies *&c.* committed on the Sea, to be heard & judged in such Counties and as shall be limited by Commission.

And be it Enacted by the Authority aforesaid, That such persons to whom such Commission or Commissions shall be directed, or three of them at the least, shall have full power and authority to enquire of such Offences, by the Oaths of twelve good and lawful Inhabitants in the Shire limited in their Commission in such like manner and form, as if such offences had been committed upon the Land within the same Shire: And that every Indictment found and presented before such Commissioners, of any Treasons, Felonies, Robberies, Murthers, Man slaughters, or such other offences committed or done in and upon the Seas, shall be good and effectual in the Law: And if any person or persons happen to be Indicted for any such offence hereafter to be done in and upon the Seas, or in any other place above limited; That then such Order, Process, Judgment and Execution shall be used, had, done or made, to, and against

Such Offences to be enquired of by the Oath of twelve men.

Alike Process to be made & used as for such Offences done upon the Land.

againſt every ſuch perſon and perſons ſo being indicted and found, as againſt Traytors, Felons and Murtherers, for Treaſon, Felony, Robbery, Murther, or ſuch other Offences done upon the Land, as by the Laws of this Province is or ſhall be accuſtomed. And that the Tryal of ſuch Offence or Offences, if it be denied by the Offender or Offenders, ſhall be had by twelve lawful men Inhabiting in the Shire, limited in ſuch Commiſſion, which ſhall be directed as is aforeſaid. And ſuch as ſhall be convicted of any ſuch Offence or Offences by Verdict, Confeſſion or Proceſs by Authority of any ſuch Commiſſion, ſhall have and ſuffer ſuch pains of Death, loſſes of Goods and Chattels, as if they had been attainted and convicted of any Treaſons, Felonies or Robberies, or other the ſaid Offences done upon the Land, for and towards the Support of the Government within this His Majeſties Province.

Saving for perſons compelled by neceſſity that ſhall take Victuals, &c. that may be conveniently ſpared.

Provided always, That this Act extend not to be prejudicial or hurtful to any perſon or perſons, for taking any Victual, Cables, Ropes, Anchors or Sails, which any perſon or perſons (compelled by neceſſity) taketh of or in any Ship which may conveniently ſpare the ſame, ſo as the ſame perſon or perſons pay out of hand for the ſame Victual, Cables, Ropes, Anchors or Sails, Mony, or Mony-worth, to the value of the thing ſo taken, or do deliver for the ſame a ſufficient Bill Obligatory payable in reaſonable time, not exceeding twelve months; and that the makers of ſuch Bills well and truly pay the ſame Debt at the day to be limited within the ſaid Bills

Suſpected perſons to be ſeized and ſecured, as alſo their Treaſure.

And be it alſo further Enacted by the Authority aforeſaid, That if any ſuſpected perſon or perſons, ſhall hereafter bring into this Province any Foreign Coines, Gold, Bullion, Merchandize and other Treaſure, ſuppoſed to be taken in and upon the Seas, in manner aforeſaid: That then, & in every ſuch caſe, the next Juſtice or Juſtices of the Peace, or other Magiſtrate then preſent upon the place, are hereby required & impowred upon his or their own knowledge or information given to him or them thereof to Grant Warrants to the Sheriff or Conſtable of the Place, to Apprehend and Seiz every ſuch perſon or perſons, his and their Mony, Gold, Bullion, Merchandize and Treaſure, & to bring the ſame before ſuch Juſtices or Magiſtrates, to be Examined and Proceeded againſt as the Law directs; and in caſe ſuch ſuſpected perſon or perſons cannot produce a Certificate, or produce two Evidences, where and how he came by ſuch Monies, Gold, Bullion, Merchandize or Treaſure, then ſuch Juſtices or Magiſtrates may commit ſuch perſon or perſons to Goal, without Bail or Mainprize, until he or they be diſcharged by Law, & ſecure ſuch Monies, Gold, Bullion, Merchandize or Treaſure, to be diſpoſed of as the Law directs. And every ſuch Sheriff or other Officer, to whom ſuch Warrant or Warrants ſhall be directed, ſhall requi e & take ſuch a number of perſons with Arms, or otherwiſe, as he or they ſha'l think m.et, for the ſeizing & apprehending ſuch perſon or perſons, & carrying him or them before ſuch Juſtice or Magiſtrate as aforeſaid, and every perſon or perſons refuſing or neglecting to be aiding and aſſiſting to ſuch Officer or Officers, in the Execution of ſuch Warrant or Warrants, ſhall be proceeded againſt as the Law directs, & in ſuch manner, & under ſuch Penalties, as in other the like caſes is accuſtomed and provided; and every ſuch Officer or Officers offending or neglective in his Office, and Execution thereof, ſhall be puniſhed as the Law alſo directs.

Officers to be aſſiſted in making ſuch ſeizures.

Penalty for neglect.

Private men of War to bring what they take in to ſome of His Majeſties Ports for adjudication according to their Inſtructions.

And it is hereby further Enacted, That if any perſon or perſons to whom ſuch private Commiſſion or Commiſſions is, are or ſhall be granted, do hereafter take, ſurprize and ſeiz any Ship, Veſſel, Goods, Merchandizes and Things of the Subjects of any Prince or State whatſoever, and do not bring ſuch Ship, Veſſel, Goods, Merchandizes & Things into ſome Port or Ports belonging to His Majeſty, purſuant to their Commiſſions and Inſtructions, there to receive legal Condemnation, unleſs hindred by the inevitable Providence of God, whereof ſufficient proof ſhall be made, or produce two at leaſt of the Company belonging to the Ship or Veſſel ſo taken, to manifeſt that the Ship, Veſſel and Goods ſo taken, belonged at the time of the Caption thereof to the Subjects of the Enemies of the Crown of *England*, ſhall be proſecuted as Robbers and Felons, and as if no ſuch Commiſſion or Commiſſions had been granted to them, and under ſuch pains and penalties as before in this Act is mentioned inflicted and declared.

ACTS

ACTS and LAWS

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts Bay* in *New-England*. Begun at *Boſton*, the Twenty-ſeventh Day of *May*, 1696. And continued by ſeveral Adjournments until the Eighteenth of *November* following.

An Act for the Equal Diſtribution of Inſolvent Eſtates.

BE it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and it is Enacted and Ordained by the Authority of the ſame, That when the Eſtate of any perſon Deceaſed ſhall be Inſolvent or Inſufficient to pay all juſt Debts which the Deceaſed owed, the ſame ſhall be ſet forth and diſtributed to and among all the Creditors in proportion to the Sums to them reſpectively owing ſo far as the ſaid Eſtate will extend, ſaving that the Debts due to the Crown, the Sickneſs and neceſſary Funeral Charges of the Deceaſed are to be firſt paid. And the Executor or Adminiſtrator appointed to any ſuch Inſolvent Eſtate before payment to any be made (except as aforeſaid) ſhall repreſent the condition and circumſtances thereof unto the Judge for Probate of Wills, and granting of Adminiſtrations; and the ſaid Judge ſhall nominate and appoint two or more fit and indifferent perſons to make a true and equal Apprizement of ſuch Eſtate, and Adminiſter an Oath unto them for that purpoſe; and ſhall alſo nominate and appoint two or more fit perſons to be Commiſſioners, with full power to receive and examine all Claims of the ſeveral Creditors, and how they are made out: And ſuch Commiſſioners ſhall cauſe the times and places of their meeting to attend the Creditors for the receiving and examining of their Claims to be made known and publiſhed by Poſting up the ſame in ſome publick places in the Shire Town of that County where ſuch Deceaſed perſon laſt dwelt, and of the two next adjoyning Counties. And ſix, twelve or eighteen months time (as the circumſtances of any Eſtate may require) ſhall be allowed by the Judge unto the Creditors for bringing in their Claims, and proving their Debts. At the end of which limited time, ſuch Commiſſioners ſhall make their Report, and preſent a Liſt of all the Claims unto the ſaid Judge, who ſhall order them meet Recompence out of the Eſtate, for their care and labour in that Affair: And, the Debts due to the Crown, Sickneſs and neceſſary Funeral Charges as is herein before provided, being firſt ſubducted, ſhall order the Reſidue and Remainder of the Eſtate to be paid and diſtributed to and among the other Creditors that ſhall have made out their Claims in due proportion to the Sums unto them reſpectively Owing according as the Eſtate will bear; ſaving unto the Widow, if any be, her right of Dower according to Law in the Houſes and Lands of the Deceaſed, the Widows Dower at the Expiration of her Term to be alſo diſtributed among the Creditors in a like proportion.

Mannor of Diſtribution.

Appriſers to be Sworn.

Commiſſioners to receive the Claims.

Provided, That notwithſtanding the Report of any ſuch Commiſſioners or allowance thereof made, it ſhall and may be lawful to and for the Executor or Adminiſtrator, to conteſt the proof of any Debt at the common Law.

Debts may be conteſted at common Law.

And no Proceſs in Law (except for Debts due to the Crown, Sickneſs and Funeral Charges) ſhall be allowed againſt the Executors or Adminiſtrator of any Inſolvent Eſtate ſo long as the ſame ſhall be depending as aforeſaid.

Proceſs ſuſpended whilſt the Commiſſion is depending.

Creditors excluded that bring not in their Claims.

And whatſoever Creditor ſhall not make out his or her Claim with ſuch Commiſſioners before the full Expiration of the limited time, ſuch perſon ſhall be for ever after debarred of his or her Debt, unleſs he or ſhe can find ſome further Eſtate of the Deceaſed's not before diſcovered and put into the Inventory.

Perſons ſuſpected of concealment or Imbezelments to be Sworn.

And be it further Enacted by the Authority aforeſaid, That every Judge for Probate of Wills and granting Adminiſtrations within the reſpective Counties, be, and hereby is fully Authorized and Impowred to call before him, & to require and adminiſter an Oath unto any perſon or perſons probably ſuſpected by any Executor or Adminiſtrator to have concealed, imbezel'd or conveyed away any of the Money, Goods or Chattels left by the Teſtator, or Inteſtate for the diſcovery of the ſame. And in caſe any ſuch ſuſpected perſon was betruſted by the perſon deceaſed, attended upon, or was otherwiſe converſant with or near unto him in the time of Sickneſs, or left in poſſeſſion of the Eſtate whereby to ſtrengthen and make the ſuſpicion more violent, & ſhall refuſe to clear and acquit him or her ſelf upon Oath. It ſhall and may be lawful for, and the Judge is hereby Impowred to commit ſuch perſon ſo refuſing to Swear, unto the Goal of the County, there to remain until he or ſhe ſhall comply to diſcharge him or her ſelf upon Oath as aforeſaid, or be releaſed by conſent of the Executor or Adminiſtrator.

Penalty for refuſing.

Appeal.

Saving unto any perſon agrieved at any Sentence, Order or Decree, made by the Judge of Probate, liberty of an Appeal unto the Governour and Council; ſuch Appellant giving Bond in a reaſonable Sum with ſufficient Security to proſecute his Appeal with effect, and to abide and perform the determination that ſhall be made thereupon.

An Act for the due Aſſize of Bread.

Be it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That henceforth every Loaf-Bread Baker ſhall have a diſtinct mark for his Bread, and keep the due Aſſizes hereafter expreſſed as well for what he Bakes for Sale, as to be ſpent in his Family. *That is to ſay,* The Aſſize of Bread ſhall be rated according to the middle Price of Wheat not to be altered but upon the increaſing or decreaſing of Six-pence in the Sale of a Buſhel: The Penny-Loaf to weigh by Averdupoiz weight as is hereafter mentioned, according to the different prices of Wheat by the Buſhel.

Viz. Price of Wheat		Weight of penny white loaf,		Weight of penny wheaten,		Weight of penny houſhold.	
s.	d.	oz.	dr.	oz.	dr.	oz.	dr.
At 3	0	11	4	17	2	23	00
3	6	10	2	15	3	20	04
4		09	2	13	7	18	04
4	6	08	3	12	5	16	06
5		07	5	11	4	15	03
5	6	07	1	10	5	14	02
6		06	4	09	7	13	01
6	6	06	0	09	0	12	00
7		05	6	08	5	11	04
7	6	05	2	08	1	10	04
8		05	0	07	4	10	00
8	6	04	6	07	1	09	04
9		04	4	06	6	09	00

And

And ſo proportionably under the penalty of forfeiting all ſuch Bread as ſhall not be of the ſeveral Aſſizes afore mentioned, to the uſe of the poor of the Town where the ſame ſhall be Seized, and otherwiſe as is hereafter expreſſed.

And for the better diſcovery and more effectual preventing of fraud and deceit in the Aſſize of Bread.

Be it Enacted by the Authority aforeſaid, That the Clerks of the Market in each Town within this Province, or any one of them, ſhall and are hereby impowred and required once every week or oftner as they ſhall ſee cauſe, to enter into any Shop or Place where Bread is uſually Sold or Baked for Sale, and to weigh the ſame; and all ſuch Bread which they ſhall find under the due Aſſize according to the proportion before mentioned, or not being marked, to make Seizure of, and deliver two third parts thereof unto the Select-men or Overſeers of the Poor in ſuch Town, for the uſe of the poor within the ſame; the Officer to have the other third for his pains. And the Conſtable or Conſtables of ſuch Town are hereby ordered to be aiding and aſſiſting unto ſuch Clerk or Clerks of the Market for the due Execution of their Office, when he or they ſhall be thereunto required. Clerks of the Market power & duty.

And be it further Enacted, That the Select-men in each Town where Bread is Baked for Sale ſhall once a month, or oftner as they ſhall ſee cauſe inquire, ſtate and record the middle price of Wheat, and cauſe the ſame to be made known by poſting it up in ſome publick place or places in ſuch Town, and the Bakers ſhall accordingly regulate the Weight of their Bread after the Aſſizes herein before-mentioned. Select men to ſtate the price of Wheat.

And be it further Enacted by the Authority aforeſaid, That all Biſket Sold by Tale ſhall be alike marked and made of the ſame Aſſize with the penny loaf, on pain of forfeiture as aforeſaid. And the Clerks of the Market are hereby required and impowred to Weigh all ſuch Biſket, and to make Seizure of all that ſhall be unmarked or under Weight, to be imployed and diſpoſed of as aforeſaid; and all Biſket Sold by Weight ſhall be dried fit for the Sea. Biſket Sold by Tale to be Markt & of due Aſſize

An Act for making of Lands and Tenements liable to the payment of Debts.

WHEREAS the Eſtates of Perſons within this Province do chiefly conſiſt of Houſes and Lands, which give them Credit, ſome being remiſs in paying of their juſt Debts, and others hapning to dye before they have diſcharged the ſame.

Be it therefore Enacted and Ordained by the Lieutenant Governour, Council and Repreſentatives, in General Court Aſſembled, and by the Authority of the ſame, That all Lands or Tenements belonging to any perſon in his own proper right in Fee, ſhall ſtand Charged with the payment of all juſt Debts owing by ſuch perſon, as well as his perſonal Eſtate, and ſhall be liable to be taken in Execution for Satisfaction of the ſame; where the Debtor or his Attorney ſhall not expoſe to view and tender to the Officer perſonal Eſtate ſufficient to anſwer the Sum mentioned in the Execution with the Charges. Lands and Tenements liable to Execution. Execution duly ſerved & Recorded to make a good Title.

And all Executions duely Served upon any ſuch Houſes and Lands, being returned into the Clerks Office of the Court out of which the ſame

iſſued and there Recorded, ſhall make a good Title to the Party for whom they ſhall be ſo taken, his Heirs and Aſſigns for ever. Alſo where the Goods and Chattels belonging to the Eſtate of any perſon Deceaſed, ſhall not be ſufficient to anſwer the juſt Debts which the Deceaſed Owed, or Legacies given: Upon Repreſentation thereof, and making the ſame to appear unto the Superiour Court of Judicature holden for or within the County where ſuch Deceaſed perſon laſt dwelt; the ſaid Court are hereby Impowred to Licence and Authorize the Executor or Adminiſtrator of ſuch Eſtate to make Sale of all or any part of the Houſes and Lands of the Deceaſed ſo far as ſhall be neceſſary to ſatisfy the juſt Debts which the Deceaſed owed at the time of his Death, And Legacies bequeathed in and by the laſt Will and Teſtament of the Deceaſed. And every Executor or Adminiſtrator being ſo Licenſed and Authorized as aforeſaid, ſhall and may by virtue of ſuch Authority, Make, Sign and Execute in due form of Law Deeds and Conveyances for ſuch Houſes and Lands as they ſhall ſo Sell; which Inſtruments ſhall make a good Title to the Purchaſer, his Heirs and Aſſigns for ever.

Juſtices of the Superiour Court Impowred to Licence the Sale of Lands, &c.

Provided nevertheleſs, That any Debt or Debts due to the Crown from any ſuch Eſtate, ſhall be firſt ſecured and paid out of the ſame.

Debts to the Crown to be firſt paid.

And be it further Enacted by the Authority aforeſaid, That when any perſon or perſons ſhall make Sale or other Alienation of any Lands or Tenements to him of right belonging, with intent to defeat and defraud his Creditors of their juſt Debts not *bona fide* for good and valuable conſideration truly paid. All ſuch Sales and Alienations are to be deemed covenous and fraudulent, and ſhall be of none effect to bar any Creditor from ſuch Debt as is to him Owing.

Fraudulent Deeds to be void.

An Act to prevent the Deſtroying and Murthering of Baſtard Children.

WHEREAS *many Lewd Women that have been Delivered of Baſtard Children, to avoid their ſhame, and to eſcape puniſhment, do ſecretly Bury or Conceal the Death of their Children, and after, if the Child be found Dead, the ſaid Women do alledge that the ſaid Child was Born Dead, whereas it falleth out ſometimes (although hardly it is to be proved) that the ſaid Child or Children were murthered by the ſaid Women their lewd Mothers, or by their aſſent or procurement.*

Be it therefore Enacted by the Lieutenant Governour, Council and Repreſentatives, Convened in General Aſſembly, and by the Authority of the ſame, That if any Woman be Delivered of any Iſſue of her Body, Male or Female, which if it were Born alive, ſhould by Law be a Baſtard; and that ſhe endeavour privately, either by Drowning or ſecret Burying thereof, or any other way; either by her ſelf, or the procuring of others ſo to conceal the Death thereof, that it may not come to light, whether it were Born alive or not, but be concealed. In every ſuch caſe the Mother ſo offending, ſhall ſuffer Death, as in caſe of Murther: Except ſuch Mother can make proof by one Witneſs at the leaſt, that the Child whoſe Death was by her ſo intended to be concealed, was Born Dead.

An Act againſt High Treaſon.

BE it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That if any perſon or perſons ſhall compaſs or imagine the Death of Our Soveraign Lord the King, or of Our Lady His Queen, or of the Heir apparent to the Crown. Or if any perſon ſhall Levy War againſt our Lord the King, or be adherent to the Kings Enemies, giving them aid and comfort in the Realm or elſewhere, and thereof be probably attainted of open deed by his Peers upon the Teſtimony of two lawful and credible Witneſſes upon Oath brought before the Offender face to face, at the time of his Arraignment, or voluntary Confeſſion of the Party Arraigned. Or if any perſon or perſons ſhall counterfeit the Kings Great Seal or Privy Seal, or the Seal of this Province, and thereof be duly Convicted as aforeſaid. Then every ſuch perſon and perſons ſo as aforeſaid offending, ſhall be deemed, declared and adjudged to be Traitors, and ſhall ſuffer pains of Death, and alſo looſe and forfeit as in caſes of High Treaſon.

Compaſſing or imagining the Death of the King, *&c.*

Levying War againſt the King.

Counterfeiting the Kings great Seal, *&c.*

And be it further Enacted by the Authority aforeſaid, That the Tryal of all and every perſon and perſons whatſoever Accuſed, Indicted and Proſecuted for High Treaſon and Miſpriſion of ſuch Treaſon, ſhall be regulated according to the Act of Parliament made in the Seventh Year of His Preſent Majeſties Reign, Entituled, *An Act, For Regulating of Tryals in caſes of Treaſon and Miſpriſion of Treaſon:* And the Party ſo accuſed, indicted and proſecuted, to be allowed the benefits and priviledges in and by the ſaid Act, granted and declared.

Tryals to be Regulated according to the Law of *England*, in caſes of Treaſon, *&c.*

An Act in Addition to the Act for preventing of Common Nuſances ariſing by Slaughter-Houſes, Still-Houſes, *&c.*

FOR the better preventing of Deſolation by Fire that may happen, by Drawing of Spirits, or melting down of Tallow.

Be it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That if any Diſtiller or Tallow Chandler ſhall preſume to Set up any Still or Stills for the drawing of Spirits, Copper or Furnace for the melting of Tallow, or make uſe of any Still, Copper or Furnace for either of the ſaid ends in any Houſe or Place other than ſuch as are or from time to time ſhall be aſſigned for that purpoſe by the Select-men of the Town, with two or more Juſtices of the Peace contrary to the intent of the ſaid Act; Every perſon and perſons ſo offending, and being thereof duly convicted before His Majeſties Juſtices in the Court of General Seſſions of the Peace within the ſame County, ſhall not only incur the penalty or Fine in the ſaid Act mentioned; but ſhall alſo enter into Recognizance to take down ſuch Stills, Coppers or Furnace; and in default of entring into Recognizance as aforeſaid, to be Committed to Priſon until he do cauſe the ſame to be taken down; or elſe ſuch Stills, Coppers or Furnaces ſhall be taken down by order of the ſaid Court, and the Charge thereof to be levied by diſtreſs and ſale of ſuch Offenders Goods, returning the Over-plus, if any be.

Court of Quarter Seſſions Impowred to cauſe Stills for drawing of Spirits, or Furnaces for melting of Tallow ſet up without Order to be taken down.

An Act in Addition to the Act, for Regulating Ferries.

WHEREAS *there is a conſtant Recourſe of Travellers and others for Paſſage over the Ferries betwixt* Boſton *and* Charlſtown, *and betwixt* Boſton *and* Winiſimet. *Therefore for prevention of the great Inconvenience and Damage that doth or may happen to perſons by being hindred and delayed at the ſaid Ferries for want of ſpeedy Tranſportation over the ſame.*

Stated hours for the Ferry Boats paſſing at *Wenniſimit* Ferry.

Be it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That the perſon or perſons that are, or from time to time ſhall be imployed for keeping *Winiſimet* Ferry, ſhall conſtantly maintain a good Boat or Boats in good repair ſuitable for the ſaid Ferry on each ſide of the Water, and that ſuch Boats whether there be any Paſſengers in the ſame or not, ſhall put off from their reſpective Shoars to go to the other ſide upon each day in the week (the Lords Day excepted) at the Hours of five, ſeven, nine and eleven a Clock before noon; and at one, three, five and ſeven of the Clock after noon, throughout the whole year, ſo as it be within day-light: On pain, That every ſuch Ferry-man or Ferry-men being complained of and convicted before any one or more of His Majeſties Juſtices of the Peace of neglect of his Duty in not croſſing the ſaid Ferry at the ſeveral times and hours before-mentioned, ſhall forfeit and pay the Sum of *Twenty Shillings*, one half to the Informer or Complainant, and the other half to the uſe of the Poor of the Town of *Boſton*. And ſuch Juſtice or Juſtices may reſtrain the Offender or Offenders until he or they ſhall pay the ſaid Sum.

Penalty for Ferry-mens neglect.

Poſts, &c. be ſpeedily tranſported.

And be it further Enacted, That all Poſts and Expreſſes for His Majeſties Service, and other perſons having extraordinary Buſineſs as in caſes concerning Life and Death, ſhall be ſpeedily Tranſported over the ſaid Ferry at any time or ſeaſon without delay, on the penalty aforeſaid, any thing herein before contained to the contrary notwithſtanding.

Saving for ſtormy Seaſons.

Provided nevertheleſs, That ſuch Ferry-man or Ferry-men ſhall not be obliged to put off from their reſpective Shoars, and paſs the ſaid Ferry at any of the times or hours before ſtated, if it manifeſtly appear to be hazardous for them ſo to do by reaſon of any Storm or Tempeſt or that in the Winter the Ice do hinder the paſſing of any Boat acroſs the ſaid Ferry.

At *Charlſtown* Ferry, two Boats not to lye on the ſame Shore.

And be it further Enacted by the Authority aforeſaid, That when and ſo often as it ſhall happen, That the Boats imployed for the Ferry betwixt *Boſton* and *Charlſtown*, ſhall be on the ſame Shore, upon the Landing of the ſecond Boat, the firſt ſhall forthwith put off, and paſs over to the other ſide, Paſſengers or no Paſſengers, on the like Penalty herein before expreſſed, and to be diſpoſed of as aforeſaid, to the uſe of the Poor of *Boſton* or *Charlſtown* reſpectively.

An Act to ſupply the defect in the Law referring to the choice and power of Tything-men, Enacted at the Seſſion of the General Court in *February, Anno.* 1693.

WHEREAS it is provided in and by the ſaid Act, That if any perſon Choſen to the Office of Tything-man, ſhall refuſe to take his Oath, or Serve therein, he ſhall forfeit and pay the Sum of Forty Shillings, *the ſaid Forfeiture to be Levied by Diſtreſs and Sale of ſuch Perſons Goods; But no proviſion is made how to come at the ſaid Forfeiture, if no Goods of ſuch Perſons can be found to Diſtrein for the ſame.*

Be it therefore Enacted and Declared by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That in every ſuch caſe where no Goods can be found whereon to make Diſtreſs, it ſhall and may be lawful, to and for the Officer, to Seiz the Body of the Offender, and him Commit unto the Priſon, to be there kept, until he ſhall anſwer and pay the ſaid Fine or Forfeiture, with the Charges of Levying the ſame; And the Warrant directed to the Officer for Levying thereof ſhall contain in it ſuch a Command: Any Law or Uſage to the contrary notwithſtanding.

Perſons choſen to the Office of Tything-men to be committed, where no Goods can be found to ſatisfy the Fine.

ACTS

ACTS and LAWS.

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New England*. Begun and Held at *Boſton*, the Twenty ſixth Day of *May*, 1697.

An Act Relating to Town Rates or Aſſeſsments.

WHEREAS *divers Conſtables and Collectors of Town Rates or Aſſeſsments are defective and negligent of their Duty in not timely paying of the ſame as by the Warrants or Eſtreats, to them committed they are required.*

For Redreſs whereof,

Be it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That the Conſtables or Collectors within the ſeveral Towns in this Province, who have had, or hereafter ſhall have any Rates or Aſſeſsments for the defreying of Town Charges, orderly made and committed unto them to collect, the Accompts and payment whereof are not iſſued; or that at any time or times hereafter ſhall not pay in and iſſue their Accompts thereof with the Treaſurer of ſuch Town, or other perſon appointed by the Select-men to be a Receiver of the ſame, by the time prefixt in the Warrants to them reſpectively given for the collecting and paying in thereof, or within the ſpace of one month next after the expiration thereof; every ſuch defective Conſtable or Collector ſhall be liable to the Action or Suit of the Treaſurer or Receiver of ſuch Town; And ſuch Treaſurer or Receiver is hereby Impowred and Authorized to Sue for and recover all ſuch Rates and Aſſeſsments or any Arrears thereof, of and from the Conſtables or Collectors reſpectively to whom the ſame were committed, and that have, or ſhall neglect their Duty in that regard, by Action, Bill, Plaint or Information in any of His Majeſties Courts of Record: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Conſtables or Collectors of Town Rates not iſſuing their accompts thereof by the time prefixt in their warrants to be liable to Suit.

An Act Impowring Juſtices of the Peace to ~~decide~~ Differences not exceeding Forty Shillings.

BE it Enacted and Ordained by the Lieutenant Governour, Council and Repreſentatives Convened in General Aſſembly, and it is hereby Enacted and Ordained by the Authority of the ſame, That all manner of Debts, Treſpaſſes and other matters not exceeding the value of *Forty Shillings* (wherein the Title of Land is not concerned) ſhall and may be heard, tryed, adjudged and determined by any of His Majeſties Juſtices of the Peace within this Province in their reſpective Precincts, who are hereby impowred, upon complaint made of any ſuch Debts, Treſpaſs or other matter as aforeſaid, to Grant Summons, Capias or Attachment againſt the Party complained of, directed to the Sheriff or Marſhal of the County, or either of their Deputies, or Conſtables of the Town wherein ſuch party lives; for which Summons, Capias or Attachment,

Juſtices of the Peace to grant Summons, Capias or Attachment for matters tryable before them.

tachment, the Juſtice ſhall be paid *One Shilling*, and the Officer for Serving the ſame, *One Shilling* and no more: And in caſe of Non appearance upon Summons duly Served being ſo returned by the Officer, ſuch Juſtice may iſſue out a Warrant of Contempt directed to the Sheriff, Marſhal or other Officer as aforeſaid, to bring the Contemner before him, as well to anſwer the ſaid Contempt, as the Plaintiffs Action, and may (if he ſee cauſe) fine ſuch Contemner, not exceeding *Ten Shillings*, to be accounted for to the Treaſurer of the County towards defreying of County Charges: And after Judgment given in any Caſe, may grant an Execution or Warrant of Diſtreſs directed to the Sheriff, Marſhal or other Officer as aforeſaid, to levy the ſaid Fine, Debt or Damage, with Charges upon the Defendants Goods or Chattels. And ſuch Officer by virtue thereof ſhall expoſe the ſame to Sale, returning the Overplus (if any be) to the Defendant, and for want of ſuch Diſtreſs to take the Body of the Defendant, and him to carry and convey to the Common Goal of the County or Precinct, there to remain until he hath ſatisfyed the ſaid Fine, Debt or Damage with Charges. And in caſe ſuch Complainant be Non Suited, or Judgment paſs againſt him, then the ſaid Juſtice is hereby Impowred to aſſeſs to the Defendant reaſonable Coſts againſt ſuch Complainant, to be levied and recovered in manner and form above expreſſed.

Fee for a Writ and Serving.

Fine for Contempt in not appearing upon Summons.

Writs to be Served ſeven days before Tryal.

Provided always, That all Summons, Capias or Attachment before ſuch Juſtice of the Peace, ſhall be ſerved and executed at leaſt ſeven days before the time of Tryal or Hearing.

Party agrieved to appeal to the Inferiour Court.

Provided alſo, That the party agrieved ſhall have liberty to apppeal to the next Inferiour Court of Common Pleas to be holden for the ſame County, he entring into Recognizance with one ſufficient Surety in the value of the Debt or Damage ſued for, and ſufficient to anſwer all Coſts to proſecute the ſaid Appeal there with effect, and to abide the Order of ſaid Court, where ſuch caſe ſhall be tryed and receive a final Iſſue and Determination.

Party appealing to bring the whole caſe.

And the Party appealing ſhall bring the Copies of the whole Caſe to the Court appealed to, where each party ſhall be allowed the benefit of any further Plea or Evidence; and if upon ſuch new Plea or Evidence the Judgment happen to be reverſed, the Appellant ſhall have no Coſts granted for the firſt Tryal, and ſuch Appellant ſhall alſo give in the reaſons of his Appeal unto the Juſtice appealed from, in Writing ſeven days incluſively before the ſitting of the Court appealed to. And all Juſtices are hereby required to keep fair Records of all their Proceedings from time to time.

Reaſons of Appeal to be given in ſeven days before the Tryal.

And be it further Enacted by the Authority aforeſaid, That the Clerk of any Town within this Province, may and hereby is Impowred to grant Replevins, Summons or Attachments for any matter or cauſe tryable before any Juſtice of the Peace, and Summons for Witneſſes, and to direct the ſame to the Conſtables of ſuch Town, or to the party to be Summoned for Witneſs reſpectively; and the Conſtable or Conſtables are hereby required to execute ſuch Replevins, Summons or Attachments accordingly, and to make due Return thereof.

Clerks of Towns to grant Replevin, &c.

ACTS and LAWS

Passed by the Great and General Court or Assembly of the Province of the *Massachusetts-Bay* in *New-England*. Begun and Held at *Boston*, the Twenty-sixth Day of *May*, 1697. And continued by several Prorogations until the Thirteenth of *October* following.

An Act for ascertaining the value of Coynes currant within this Province.

WHEREAS *for many years past the Money Coyned in the late* Massachusetts-Colony, *hath passed current at the rate of value it was stampt for, and good Sevil Pillar or Mexico pieces of Eight of full seventeen penny weight, have also passed current at Six Shillings* per *piece, & half pieces of proportionable weight* pro rato, *quarter pieces of the same Coyn at sixteen pence* per *piece, and Reals of the same Coyn at Eight-pence* per *piece.*

Be it therefore Enacted and Declared by the Lieutenant Governour, Council and Representatives Convened in General Assembly, and by the Authority of the same, That all and every the Coynes before-mentioned, shall still be and continue currant Money within this Province, and shall be accepted taken and received at the respective values aforesaid, according as hath heretofore been accustomed.

Provided always, That such of the said Coynes as pass by tale, be not diminished by Washing, Clipping, Rounding, Filing or Scaling.

An Act against Murder.

Be it Enacted by the Lieutenant Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That whosoever shall commit wilful Murder upon premeditated Malice or Hatred, and be thereof convicted, the person or persons so offending shall be put to Death.

An Act against Ravishment or Rape.

Be it Enacted by the Lieutenant Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That if any man shall Ravish any Woman committing Carnal Copulation with her by Force against her will. Or if any man shall unlawfully and carnally know and abuse any Woman Child under the age of Ten Years, every person and persons offending in either of the cases before mentioned, being thereof convicted, shall be accounted Felons, and shall be adjudged to suffer the pains of Death as in cases of Felony.

An Act for the punishment of Buggery.

FOR *avoiding of the detestable and abominable Sin of Buggery with Mankind or Beast, which is contrary to the very Light of nature.*

Be it Enacted and Declared by the Lieutenant Governour, Council and Representatives in General Court Assembled, and by the Authority of the same. It is Enacted, That the same Offence be adjudged Felony, and such Order and Form of Process therein to be used against the Offenders as in cases of Felony. And that every man being duly convicted of lying with mankind as he lyeth with a Woman. And every man or woman that shall have carnal copulation with any Beast or bruit Creature, the Offender and Offenders in either of the cases before-mentioned, shall suffer the pains of Death, and the Beast shall be Slain and Burned.

An

An Act againſt Atheiſm and Blaſphemy.

BE it Declared and Enacted by the Lieutenant Governour, Council and Repreſentatives Convened in General Court or Aſſembly, and it is Enacted by the Authority of the ſame, That if any perſon ſhall preſume willfully to Blaſpheme the Holy Name of God; Father, Son, or Holy Ghoſt; either by Denying, Curſing, or Reproaching the true God; his Creation, or Government of the World: Or by Denying, Curſing, or Reproaching the Holy Word of God; that is the Canonical Scriptures contained in the Books of the Old and New Teſtament; Namely, *GENESIS, Exodus, Leviticus, Numbers, Deuteronomy, Joſhua, Judges, Ruth, Samuel, Samuel, Kings, Kings, Chronicles, Chronicles, Ezra, Nehemiah, Eſther, Job, Pſalms, Proverbs, Eccleſiaſtes, The Song of Solomon, Iſaiah, Jeremiah, Lamentations, Ezekiel, Daniel, Hoſea, Joel, Amos, Obadiah, Jonah, Michah, Nahum, Habbakkuk, Zephaniah, Haggai, Zechariah, Malachi: MATTHEW, Mark, Luke, John, Acts, Romans, Corinthians, Corinthians, Galatians, Epheſians, Philippians, Coloſſians, Theſſalonians, Theſſalonians, Timothie, Timothie, Titus, Philemon, Hebrews, James, Peter, Peter, John, John, John, Jude, Revelation:* Every one ſo offending ſhall be puniſhed by Impriſonment, not exceeding ſix months, and until they find Sureties for the good Behaviour, by ſetting in the Pillory, by Whipping, boaring thorow the Tongue, with a red hot Iron, or ſetting upon the Gallows with a Rope about their neck; at the diſcretion of the Court of Aſſize, and General Goal Delivery, before which the Tryal ſhall be; according to the Circumſtances, which may aggravate or alleviate the Offence. *Provided* that not more than two of the fore-mentioned Puniſhments ſhall be inflicted for one and the ſame Fact.

An Act for Regiſtring of Deeds and Conveyances.

FOR the prevention of Clandeſtine and uncertain Sales of Houſes and Lands. And to the intent it may be the better known what right, title or intereſt perſons have in or to ſuch Eſtates as they ſhall offer to Sale.

Be it Enacted and Declared by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That henceforth all Deeds or Conveyances of any Houſes or Lands within this Province, Signed and Sealed by the Party or Parties granting the ſame, having good and lawful right or authority thereto, and acknowledged by ſuch Granter or Granters before a Juſtice of the Peace, and Recorded at length in the Regiſtry of the County where ſuch Houſes or Lands do ly, ſhall be valid to paſs the ſame without any other Act or Ceremony in the Law whatſoever.

Deeds executed by ſigning, ſealing acknowledgment & Record to be valid.

No Bargain Sale, &c. made three months next after this Act to be good againſt any but the granter, without being acknowledged & Recorded.

And that from and after three months next after Publication of this Act, no Bargain, Sale, Mortage or other Conveyance of Houſes or Lands made and executed within this Province, ſhall be good and effectual in Law to hold ſuch Houſes or Lands againſt any other perſon or perſons, but the Granter or Granters, and their Heirs only, unleſs the Deed or Deeds thereof be acknowledged and recorded in manner as is before expreſſed. *Provided* nevertheleſs that when and ſo often as it ſhall happen any Granter to live in parts beyond Sea, or to be removed out of this Province, or to be dead before any Deed or Conveyance by him or her made, be acknowledged as aforeſaid, in every ſuch caſe, the proof of ſuch Deed or Conveyance made by the Oaths of two of the Witneſſes thereto Subſcribed, before any Court of Record within this Province, ſhall be equivalent to the Parties own Acknowledgment thereof.

Proof of a Deed by witneſſes, in caſe to be equivalent to Acknowledgment.

And be it further Enacted by the Authority aforeſaid, That if any Granter or Vender of any Houſes or Lands ſhall refuſe to acknowledge as is aforeſaid, any Grant, Bargain, Sale or Mortgage by him or her Signed and Sealed, being thereunto required by the Grantee or Vendee, his, her or their Heirs or Aſſigns. It ſhall be lawful for any Juſtice of the Peace within the County where ſuch Granter or Vender lives, upon complaint made, to ſend for the Party ſo refuſing, and if he or ſhe perſiſt in ſuch Refuſal, to commit him or her to Priſon without Bail or Mainprize, until ſuch Party ſhall acknowledge the ſame. It being firſt made appear and proved to be the Act and Deed of the ſame Party by the Oath of one or more of the Witneſſes thereto Subſcribed; and ſuch Grantee or Vendee filing a Copy of his Deed ſo proved in the Regiſters Office, ſhall thereby ſecure his Title in the mean time, and the ſame ſhall be accounted ſufficient caution to every other perſon and perſons againſt purchaſing the Eſtate in ſuch Deed mentioned to be granted.

Penalty for perſons refuſing to acknowledge their Deeds.

Saving for Dower.

Provided, That nothing in this Act ſhall be conſtrued, deemed or extended to bar any Widow of any Vender or Mortgager of Lands or Tenements from her Dower or Right in or to ſuch Lands or Tenements; who did not legally joyn with her Husband in ſuch Sale or Mortgage, or otherwiſe lawfully bar or exclude her ſelf from ſuch her Dower or Right.

How Mortgages ſhall be diſcharged

And it is further Enacted by the Authority aforeſaid, That any Mortgagee of any Lands or Tenements, his or her Heirs, Executors or Adminiſtrators having received full ſatisfaction and payment of all ſuch Sum and Sums of money as are really due to him by ſuch Mortgage, ſhall at the requeſt of the Mortgager, his Heirs, Executors or Adminiſtrators acknowledge and cauſe ſuch ſatisfaction and payment to be Entred in the Margent of the Record of ſuch Mortgage in the Regiſters Office, and ſhall ſign the ſame, which ſhall for ever thereafter diſcharge, defeat and releaſe ſuch Mortgage, and perpetually bar all Actions to be brought thereupon in any Court of Record. And if ſuch Mortgagee his or her Heirs, Executors or Adminiſtrators ſhall not within ten days next after requeſt in that behalf made, and tender of his, her or their reaſonable charges, repair to the Regiſters Office, and there make and ſign ſuch Acknowledgment as aforeſaid, or otherwiſe ſign and ſeal a diſcharge of the ſaid Mortgage, and releaſe and quit claim to the Eſtate therein mentioned to be granted, and acknowledge the ſame before a Juſtice of Peace; he, ſhe or they ſo refuſing, ſhall be liable to make good all damages for want of ſuch diſcharge or Releaſe: to be recovered by Action or Suit in any Court of Record. And in caſe Judgment paſs againſt the Party ſo Sued, he, ſhe or they ſo caſt, ſhall pay unto the adverſe party treble coſts ariſing upon ſuch Suit.

And be it further Enacted and Declared by the Authority aforeſaid, That the Clerk of the Inferiour Court of Pleas in each reſpective County ſhall

ſhall alſo be the Regiſter of Deeds and Conveyances, and ſhall fairly enter & record at length all Deeds, Conveyances and Mortgages of any Lands, Tenements, Rents or other Hereditaments, lying and being within the ſame County, made, executed, acknowledged or proved in manner as is aforeſaid, which ſhall be brought to him to Record; and ſhall on Receipt thereof into the Office note thereupon the day, month and year when he received the ſame, and the Record ſhall bear the ſame date. And every ſuch Regiſter before he execute the ſaid Office, ſhall be Sworn before one or more of the Juſtices of ſuch Court, well, truly and faithfully to execute the ſame. And it ſhall and may be lawful to and for every Regiſter aforeſaid, to ask and receive for entring and recording any Deed, Conveyance or Mortgage, *Twelve pence* for the firſt page, and *Eight-pence* a page for ſo many pages more as it ſhall contain, and no more, accounting after the rate of twenty eight lines, of eight words in a line to each page, and proportionably for ſo much more as ſhall be under a page, and *Six-pence* for his atteſtation on the Original of the Time, Book and Folio where it is Recorded, and for diſcharge of a Mortgage as aforeſaid, *One Shilling*, and no more.

Clerk of the Inferiour Court to be Regiſter of Deeds.

to be Sworn.

Regiſters Fees.

And be it further Enacted and Declared by the Authority aforeſaid, That all Deeds of Bargain, Sale or Mortgage heretofore made and executed, according to former Laws and Uſage, ſhall be valid and effectual.

Deeds Executed according to former Laws and uſage valid.

An Act of Limitation for Quieting of Poſſeſſions.

WHEREAS *a good and beneficial Act was made by the late Governour and Company of the Colony of the* Maſſachuſetts Bay, *in the Year of our Lord God, One Thouſand Six Hundred Fifty Seven, in the words following. That is to ſay,*

That any perſon or perſons that hath either himſelf or by his Grantees or Aſſigns before the Law made for direction about Inheritances, bearing date *October* the Nineteenth, One Thouſand Six Hundred Fifty and Two, poſſeſſed and occupied as his or their own proper right in Fee ſimple, any Houſes or Lands within this Jurisdiction, and ſhall ſo continue, whether in their own perſons, their Heirs or Aſſigns, or by any other perſon or perſons from, by or under them, without diſturbance, lett, ſuit or denial legally made by having the Claim of any perſon thereto entred with the Recorder of the County where ſuch Houſes or Lands do lye, with the names of the perſons ſo claiming, and the quantity, bounds of the Lands or Houſes claimed, and ſuch claim proſecuted to effect within the term of five years next after the twentieth of *May*, One Thouſand Six Hundred and Fifty Seven. Every ſuch Proprietor, their Heirs and Aſſigns ſhall for ever after enjoy the ſame without any lawful lett, ſuit, diſturbance or denial by any after claim of any perſon or perſons whatſoever, any Law or Cuſtom to the contrary notwithſtanding. *Which afore-recited Act having by experience been found to be of great benefit and ſervice to His Majeſties Subjects within the ſaid Colony, and prevented many conteſts and Law-ſuits which otherwiſe would have ariſen by reaſon of a neglect in many perſons to obſerve a legal courſe and method for the paſſing and confirmation of Sales and Alienations.*

And whereas ſundry perſons having a juſt and equitable Right and Title unto Eſtates in Houſing or Lands, either acquired by purchaſe or otherwiſe accruing unto or ſettled upon them ſince the paſſing of the afore-recited Act, may want formal Conveyances and aſſurances in the Law for the ſame, or the Deeds, Inſtruments or other Writings concerning ſuch Eſtates may be defective or imperfectly made and

executed, whereby ſuch perſons may be in danger of being deprived and evicted out of their honeſt and juſt Rights and Poſſeſſions.

For prevention whereof, and for the further quieting of Poſſeſſions and Setling of Titles.

Quiet Poſſeſſion from the firſt of *October* 1692 until the firſt of *October* 1704. to give a Right.

Be it Enacted and Declared by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That every perſon and perſons who were poſſeſſed in his and their own proper right of any Houſes or Lands within this Province upon the firſt day of *October*, in the year of our Lord God, One Thouſand Six Hundred Ninety Two, and all others deriving from, by or under him or them, continuing the poſſeſſion of ſuch Houſes or Lands until the firſt day of *October*, which will be in the year of our Lord God, One Thouſand Seven Hundred and Four, without moleſtation or diſturbance by claim made thereto, and action brought and proſecuted for the ſame with effect, ſhall by virtue of ſuch poſſeſſion have, hold and enjoy ſuch Houſes or Lands unto him or them, his and their Heirs and Aſſigns for ever in Fee. And all Actions and Proceſs to be thereafter brought for the ſame, are hereby excluded and for ever debarred.

Saving for the Kings Right.

Provided always, That there ſhall be a Saving of His Majeſties Rights, and all publick Lands belonging to the Province, not orderly diſpoſed of.

Other Savings.

Provided alſo, That this Act ſhall not be underſtood to bar the Title of any Infant, *Feme Covert*, or perſon *Non Compos mentis*, Impriſoned or in Captivity, who ſhall be allowed the term of ſeven years next after ſuch Imperfection removed to purſue their Claim or Challenge to any Houſes or Lands, wherein they have Intereſt or Title: And the like time of ſeven years ſhall be allowed to perſons having an Eſtate in reverſion in any Houſes or Lands, from the time ſuch reverſion falls, to recover their Right, and perſons beyond Sea ſhall be allowed the term of ten years from the publication of this Act to purſue their claim or challenge to any Houſes or Lands as aforeſaid.

Five years time allowed from & after the ending of the War with the Indians, to lay claim to Lands lying to the Eaſtward of *Piſcataqua* River, & in other the Frontiers.

And forasmuch as divers Towns and Settlements in the Eaſtern Parts of this Province have been deſerted and broken up by reaſon of the Rebellion and War made by the Indians, and ſundry perſons in other the Frontier Towns, particularly Enumerated in an Act of the General Aſſembly, have by means thereof been driven from their Habitations and Improvements.

Be it therfore further Provided and Declared by the Authority aforeſaid, That the Limitation of time for the continuance of Poſſeſſion by this Act prefixed, ſhall not extend or be underſtood to extend unto any Houſes or Lands lying to the Eaſtward of *Piſcataqua* River, or in other the Frontiers, but the ſame time ſhall be, and hereby is enlarged and lengthened out for the ſpace of five years next after the ending of the War with the Indians, during which ſpace all perſons may purſue their right and claim to any Houſes and Lands lying in thoſe parts and places and every of them. And that no perſon or perſons pretending right or title in or to any Lands lying within this Province purchaſed of any Indian or Indians, without orderly allowance and confirmation thereof had, according to former Laws and Uſage of the ſeveral late Colonies of *Maſſachuſetts* and *New-Plimouth*, and *Province of Main* reſpectively, ſhall have or receive any benefit by this Act with reference to ſuch Lands.

Lands purchas'd of Indians without orderly allowance, &c not confirmed by this Act.

FINIS.

An Act

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*. Begun and Held at *Boſton*, the Twenty-ſixth of *May*, 1697. And continued by ſeveral Prorogations until the Fifteenth of *December* following.

An Act prohibiting the Exportation of Money and Bullion.

UPON *Conſideration of the ſcarcity of Money within this Province, and the many difficulties ariſing thereby not only with reſpect to Trade and Commerce; but alſo for carrying on the Publick Affairs of the Government, neceſſary for His Majeſties Service, more eſpecially during the Rebellion and Troubles with the* Indians.

Be it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That no perſon or perſons whatſoever, ſhall or may Export, Lade or put on Board any Ship or other Veſſel in order to Export out of this Province, any Coyn or Silver Money currant within the ſame, or Bullion, over and above the Sum of *Five Pounds*, for ſuch perſons neceſſary Expences; on pain that all ſuch Money or Bullion, Ship't or put on Board any Ship or other Veſſel for Exportation contrary to the true intent and meaning of this Act, ſhall be liable to Seizure and become forfeit; and the Shipper to forfeit the like Sum or value over and above.

And if it happen any Money as aforeſaid, or Bullion (except to the value above ſaid, for any particular perſons own Expence) to be Exported out of this Province before Seizure thereof be made, or carried into any of the Neighbouring Governments, and exported from thence; the perſon or perſons that Ship't or cauſed ſuch Money or Bullion to be carried out of the Province, Laden or put on Board any Ship or other Veſſel, or the perſon or perſons that knowingly carried out or exported the ſame, being thereof Convicted ſhall incur the penalty and forfeiture of double the Sum or value of the Money or Bullion ſo Exported. *Provided* that Information, Suit or Proſecution for the ſame be had and made within the ſpace of eighteen months next after the Offence committed and not afterward.

The afore mentioned ſeveral Forfeitures to be recovered by Action, Bill, Plaint or Information in any of His Majeſties Courts of Record within this Province, and to be imployed and diſpoſed of, two thirds thereof for and towards the Support of His Majeſties Government within the ſame, and the other third to him or them that ſhall inform and ſue for the ſame.

And it ſhall and may be lawful to and for every Juſtice of the Peace upon Information

Information given of any Money or Bullion put on board any Ship or other Veſſel for Exportation or carrying out of the Province to be Exported, by Warrant under his Hand and Seal to cauſe the ſame to be Seized and Secured in order to Tryal. And all Officers imployed in and about the Cuſtoms or Impoſts are hereby impowred and required *ex Officio* to cauſe Seizure to be made as aforeſaid.

And be it further Enacted by the Authority aforeſaid, That every Maſter of any Ship or other Veſſel before ſuch Ship or Veſſel be cleared at the Impoſt Office, ſhall make Oath in manner following. *That is to ſay,*

I A. B. Do Swear, *That neither my ſelf nor any of the Company belonging unto the Ship or Veſſel whereof I am now Maſter, nor Paſſengers going upon the ſame, have or ſhall by my knowledge privitly or conſent, take on Board or Export in the ſaid Ship or Veſſel, any Bullion, Coyn or Silver Money currant within the Province of the* Maſſachuſetts-Bay, *over and above the Sum or Value of* Five Pounds, *for my own or any of my Marriners or Paſſengers particular Expences.* So help me God.

Which Oath the Commiſſioner for Impoſt or Receiver are hereby reſpectively Authorized and Impowred to Adminiſter.

Provided this Act ſhall remain in force until the end of the Seſſion of the General Aſſembly to be held upon the laſt *Wedneſday* in *May*, which will be in the Year of our Lord, One Thouſand Seven Hundred, and not afterwards.

ACTS

ACTS and LAWS

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*. Begun and Held at *Boſton*, the Twenty-fifth Day of *May*, 1698.

An Act to prevent Incroachments upon High-Wayes, Streets, &c.

FORASMUCH *as divers Incumbrances and Incroachments have been made in and upon the Common Roads, High wayes and Streets heretofore Laid out in ſeveral Towns within this Province.*

For Redreſs whereof,

Be it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That henceforth no Edifice, Building or Fence whatſoever, ſhall be Raiſed, Erected, Built or Set up in, upon or over any of the ſaid Roads, High Ways, Streets, Lanes or Alleys, in any Town within this Province, or any part of any of them, whereby to ſtreighten the paſſage, or any ways leſſen the full breadth of any ſuch Roads, High-Ways, Streets, Lanes or Alleys; and if any Edifice, Building or Fence whatſoever ſhall be Raiſed, Erected, Built or Set up, upon, in or over any ſuch Road, High-way, Street or Alley, contrary hereunto, every ſuch Edifice, Building or Fence ſhall be deemed and held to be a common Nuſance; and the Court of General Seſſions of the Peace for the County, in which ſuch Town doth lye, upon complaint, and making out the ſame before them, are hereby Impowred to order and cauſe ſuch Edifice, Building or Fence to be taken down, demoliſhed and removed, and alſo to cauſe to be removed all ſuch Incroachments, or Incumbrances as heretofore have been made, upon, in or over any common Road, High-way or Street as aforeſaid, and the Charge thereof to be anſwered and paid by diſpoſing of ſo much of the Materials, as ſhall be neceſſary to ſatisfie the ſame.

Provided nevertheleſs, That this Act ſhall not be intended or conſtrued to intend the prohibiting of the ſetting up of any Conduit, Watch-houſe, Cage or Stocks, for publick uſe in or upon any High-way or Street within any Town.

An Act for Regulating of Tanners, Curriers, and Cordwainers.

FOR *the better preventing of Deceits and Abuſes by Tanners, Curriers, and Dreſſers, or Workers up of Leather.*

Be it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That no perſon or perſons whatſoever uſing or occupying the Feat or Myſtery of a Butcher, Currier or Shoe-maker, by himſelf or any other, ſhall uſe or exerciſe the Feat or Myſtery of a Tanner, on pain of the forfeiture

No Butcher, Curryer or Shoemakrr, to be a Tanner.

forfeiture of *Six Shillings* and *Eight-pence* for every Hide or Skin by him or them ſo Tanned, whilſt he or they ſhall uſe or occupy any of the Myſteries aforeſaid. Nor ſhall any Tanner during his uſing the ſaid Trade of Tanning by himſelf or any other, uſe or occupy the Feat or Myſtery either of Butcher, Currier or Shoe maker, upon pain of the like forfeiture as aforeſaid. And no Butcher whatſoever by himſelf or any other perſon, ſhall gaſh or cut any Hide of Ox, Bull, Steer or Cow in fleaing thereof or otherwiſe, whereby the ſame ſhall be impaired or damaged, on pain of forfeiting *Twelve-pence* for every gaſh or cut in any ſuch Hide or Skin.

No Tanner to uſe the Trade of Butcher, Currier or Shoemaker.

And be it further Enacted by the Authority aforeſaid, That no perſon or perſons whatſoever uſing, or which ſhall uſe the Myſtery or Faculty of Tanning, ſhall at any time or times hereafter, offer or put to Sale any kind of Leather which ſhall be inſufficiently Tanned, or which hath been over limed, or burnt in the Limes, or which ſhall not have been after the Tanning thereof, well and throughly dried, or that ſhall not be Sealed as in and by this Act is hereafter directed, upon pain of forfeiting the whole Hide, half Hide or other piece of ſuch Leather, ſo offered or put to Sale. And no perſon or perſons whatſoever uſing, or that ſhall hereafter uſe the Myſtery or Faculty of Tanning, ſhall ſet any of his or their Fatts in Tan hills or other places where the Woozes or Leather put to Tann in the ſame, ſhall or may take any unkind heats, nor ſhall put any Leather into any hot or warm Woozes whatſoever, on pain of forfeiting *Twenty Pounds* for every ſuch Offence.

No Tanner to offer or put to Sale any Leather inſufficiently Tanned.

No unkind heats to be uſed in Tanning.

And be it further Enacted by the Authority aforeſaid, That no perſon or perſons whatſoever, uſing or occupying; or that ſhall hereafter uſe or occupy the Myſtery or Faculty of Currying, ſhall or may Curry any kind of Leather, except it be Sealed as is herein after provided, nor ſhall curry any Hide being not throughly dried after his wet ſeaſon, in which wet ſeaſon he ſhall not uſe any ſtale Urine, or any other deceitful or ſubtile mixture, thing, way or means to corrupt or hurt the ſame, nor ſhall curry any Leather meet for outer Soal Leather with any other than good hard Tallow, nor with any leſs of that than the Leather will receive, nor ſhall curry any kind of Leather meet for upper Leather and inward Soales, but with good and ſufficient ſtuff, being freſh and not ſalt, and throughly Liquored till it will recive no more, nor ſhall burn or ſcald any Hide or Leather in the currying, but ſhall work the ſame ſufficiently in all points and reſpects: On pain of forfeiting for every ſuch Offence or Act done contrary to the true intent and meaning hereof, every ſuch Hide marred or hurt by his evil Workmanſhip or Handling.

No Leather to be Curryed that is not Sealed.

Penalty on Curriers for marring or hurting any hide by evil workmanſhip.

And be it further Enacted by the Authority aforeſaid; That no perſon or perſons uſing or that ſhall hereafter uſe or occupy the Myſtery or Faculty of a Shoe maker or Cordwainer, ſhall work up into Shoes, Boots, or other Wares, any Leather that is not Tanned and Curried in manner as aforeſaid, nor ſhall uſe any Leather made of Horſes Hide for the inner Soales of any ſuch Shoes or Boots, on pain of forfeiting all ſuch Shoes, Boots, or other Wares made or wrought up of ſuch inſufficient Leather.

Penalty on Shoe-makers for working up inſufficient Leather.

And for the more Effectual Execution of this Act.

Be it Enacted by the Authority aforeſaid, That all Leather that is or ſhall hereafter be Tanned or Curryed, ſhall before the ſame paſs out of the Tanners or Curriers Yard, Houſe or place reſpectively where it was wrought, be viewed by the Sworn Searchers and Sealers of Leather by Law directed to be annually Choſen in ſuch Towns where there ſhall be need, who ſhall have two ſeveral Marks or Seals, to be prepared by each Town for that purpoſe,

All Leather to be Sealed before it paſs out of the poſſeſſion of Tanners or Curriers.

poſe, with one of which they ſhall Seal all ſuch Leather as they ſhall find well and ſufficiently Tanned in all reſpects as aforeſaid, and with the other, all ſuch Leather as they ſhall find well and ſufficiently Curried as is before mentioned, and no other. And the ſaid Searchers and Sealers ſhall, and hereby are Authorized and Impowred *Ex Officio*, to make ſearch and view in any Houſe, Shop, Warehouſe or other place within the limits of their reſpective Precincts where they conceive any Leather to be, whether wrought into Shoes, Boots, or other Wares, or not, as oft as they ſhall think meet, or as there ſhall be need. And if the ſaid Searchers and Sealers, or any of them, ſhall find any Leather ſold or offered to be ſold, brought or offered to be Searched and Sealed which ſhall be Tanned, Curried, handled or uſed contrary to the true intent and meaning of this Act: Or ſhall find any Leather in whole Sides out of the poſſeſſion of a Tanner, not being Sealed with the Mark or Seal to be uſed for Leather only Tanned, or out of the poſſeſſion of a Currier not being Sealed with the Mark or Seal to be uſed for Leather when Curried: In every ſuch caſe it ſhall and may be lawful for the ſaid Searchers and Sealers, or any of them, to ſeiz all ſuch inſufficient or unſealed Leather, whether it be wrought up into Wares or not. And if the Owner or Claimer thereof ſhall not ſubmit to the Judgment of the Officer or Officers that ſeized the ſame, ſuch Officer or Officers ſhall retain ſuch Leather in his or their Cuſtody, until Tryal thereof be had as is hereafter directed, and Judgment thereon given. And in ſuch caſe the ſaid Officer or Officers ſhall within three days next after ſuch Seizure, inform ſome Juſtice of the Peace thereof, who ſhall thereupon appoint four or ſix men, honeſt and skilful in Leather, to view the ſame in the preſence of the Owner or Claimer, or without him (if having notice) he does not appear, and to report unto him upon their Oaths the defects which they find in ſaid Leather: Which Report ſuch Juſtice ſhall return unto the Court or Juſtice reſpectively before whom the Tryal of ſaid Leather ſhall be. But in caſe the ſaid Viewers ſhall report that they do not find ſuch Leather or Wares ſo Seized in any reſpect defective according to the intent of this Act, the Juſtice that appointed ſuch Viewers ſhall cauſe the ſame to be forthwith diſcharged from the Seizure made by ſuch Officer or Officers.

Sealers *ex Officio* to ſearch and view Leather.

To ſeiz all inſufficient or unſealed Leather.

Tryors to be appointed.

And be it further Enacted by the Authority aforeſaid, That no perſon or perſons whatſoever ſhall or may withſtand or reſiſt the Searchers and Sealers in the due Execution of their Office, nor in the Seizing of any inſufficient Leather or Wares, on pain of forfeiting the Sum of *Five Pounds* for every ſuch Offence. And the Fee for Searching and Sealing of Leather ſhall be *One Penny Per* Hide for any parcel leſs than five, and for all other parcels, after the rate of *Six pence per* Dickar; which Fee the Tanner and Currier reſpectively ſhall pay upon Sealing of the ſaid Leather from time to time; and ſhall alſo pay *Three pence per* Mile for every Mile any Sealer or Searcher ſhall travel above one, for which he is not to be allowed any thing.

Penalty for reſiſting the Searchers.

Fee for Sealing.

And no Sealer or Searcher of Leather ſhall refuſe within convenient time to do his Office, or ſhall allow any Leather or Wares which are not ſufficient, on pain of forfeiting *Forty Shillings*, nor ſhall take any bribe, or exact more than his due Fees, on pain of forfeiting the Sum of *Ten Pounds* for every ſuch Offence.

Penalty on Sealers for neglect of Duty.

And be it further Enacted by the Authority aforeſaid, That all Fines Penalties and Forfeitures that ſhall ariſe and grow due by virtue of this Act or any Clauſe therein contained, ſhall accrue and be diſpoſed of in manner following, *viz.* one third part thereof to the Treaſurer of the County where the Offence is committed, for the defreying of County Charges, one third part thereof to the Treaſurer or Select-men of the Town where the Offender inhabiteth, to the uſe of the Poor of ſuch Town, and the other third

Fines and Forfeitures how to be diſpoſed.

part to the Seizer or Seizers of ſuch inſufficient Leather, or to him or them that ſhall inform and ſue for the ſaid Fines, Penalties or Forfeitures to be recovered by Action, Bill, Plaint or Information in any Inferiour Court of Common Pleas, or before any Juſtice of Peace, when the matter doth not exceed the value of *Forty Shillings.*

Curriers liable to make good the value of all Leather ſeized for ill workmanſhip.

And be it further Enacted by the Authority aforeſaid, That when and ſo often as any Leather belonging to any Tanner or other perſon ſhall be Seized and become forfeit for any defect of the Currier in his Workmanſhip about or handling of the ſame, ſuch Currier ſhall be liable to make good unto the Tanner or other Owner of ſuch Leather ſo ſeized and forfeited, the full value thereof, with his juſt coſts and damages, to be recovered by Action to be therefore brought againſt ſuch Currier in any Inferiour Court of Common Pleas, or before any Juſtice of Peace, if the value exceed not *Forty Shillings* : For the better aſcertaining of which value, the perſons to be appointed as aforeſaid for viewing the defects in Leather, ſhall (when the ſame is ſeized for being marred or ſpoyled by the Currier) through his ill Workmanſhip or handling, be alſo appointed to eſtimate and judge the value thereof, and make report of the ſame together with the defects.

An Act for Eſtabliſhing the Form of the Writ and Precept, for calling a Great and General Court or Aſſembly.

BE it Enacted and Ordained by the Lieutenant Governour, Council and Repreſentatives, Convened in General Aſſembly, and it is hereby Enacted and Ordained by the Authority of the ſame, That the Writ to be at any time hereafter iſſued by the Governour or Commander in Chief of this Province, for calling a Great and General Court or Aſſembly, as alſo the Precept to be iſſued by the Sheriff or Marſhal in Obſervance thereof, to the Select-men of the ſeveral Towns, and their Return thereupon (when any perſon or perſons ſhall be choſen to repreſent them in ſaid Court) ſhall be in the Forms following. *That is to ſay,*

Writ for calling a Great and General Court or Aſſembly.

WILLIAM the Third by the Grace of GOD, of *England, Scotland, France* and *Ireland*, KING, Defender of the Faith, *&c.*

To Our Sheriff or Marſhal of Our County of *S.* within Our Province of the *Maſſachuſetts Bay* in *New England.* Greeting.

We Command, That upon Receipt hereof, You forthwith make out your Precepts, directed unto the Select-men of each reſpective Town within your Precinct, Requiring them to cauſe the Freeholders, and other Inhabitants of their ſeveral Towns, duly qualifyed as in and by our Royal Charter is directed, to Aſſemble at ſuch time and place as they ſhall appoint, to elect and depute one or more perſons (being Freeholders and Reſident in the ſame Town) according to the number ſet and limited, by an Act of the Great and General Court or Aſſembly of our aforeſaid Province, to Serve for and Repreſent them reſpectively in a Great and General Court or Aſſembly by Us appointed to be Convened, Held and Kept for our Service: At the *Town Houſe* in *Boſton*, upon the day of next enſuing the Date of theſe preſents, and to cauſe the perſon or perſons ſo Elected and Deputed by the major part of the Electors preſent at ſuch Election, to be timely notified and ſummoned by the Conſtable or Conſtables of ſuch Town, to attend our Service in the ſaid Great and General Court or Aſſembly, on the day above prefixed by nine in the morning, & ſo *de Die in Diem*, during

during their Session and Sessions, and to return the said Precepts with the names of the person or persons so Elected and Deputed unto your self, whereof you are to make Return together with this Writ, and of your doings therein under your hand, into our Secretaries Office at *Boston*, one day at the least before the said Courts sitting. Hereof you may not fail at your Peril. Witness and Commander in Chief, in and over our Province of the *Massachusetts-Bay* aforesaid. Given at *Boston* under the Publick Seal of our said Province the day of In the Year of our Reign. *Annoque Domini*

By Command of
J. A. Secr.

Suffolk ss.

Precept to the Selectmen for choice of Representatives.

IN Observance of His Majesties Writ to me directed. These are in His Majesties Name to Will and Require you forthwith to cause the Freeholders and other Inhabitants of your Town that have an Estate of Freehold in Land within this Province or Territory, of *Forty Shillings Per Annum* at the least, or other Estate, to the value of *Fifty Pounds* Sterling, to assemble at such time and place as you shall appoint, then and there to Elect and Depute one or more persons (being Freeholders and resident in the same Town) according to the number set and limited by an Act of the General Assembly, to Serve for and Represent them in a Great and General Court or Assembly, appointed to be Convened, Held and Kept for His Majesties Service at the *Town-House* in Boston, upon the day of next ensuing the Date hereof, and to cause the person or persons so Elected and Deputed by the major part of the Electors present at such Election, to be timely notified and summoned by one or more of the Constables of your Town, to attend His Majesties Service in the said Great and General Court or Assembly, on the day above prefixed, by nine in the morning, and so *De Die in Diem* during their Session and Sessions. Hereof fail not, and make Return of this Precept with the names of the person or persons so Elected and Deputed with their being Summoned, unto my self dayes at the least before the said day of next. Given under my Hand and Seal at *B.* the day of in the Year of His Majesties Reign. *Annoque Domini.*

A. B.
of the County of Suffolk.

To the Select men of the Town of
B. *in the County above-said. Greeting.*

Return to be indorsed on the Precept.

PUrsuant to the Precept within Written, the Freeholders and other Inhabitants of the Town of *B.* qualified as is therein directed, upon due warning given, assembled and met together the day of and then did Elect and Depute to Serve for and Represent them in the Session and Sessions of the Great and General Court or Assembly appointed to be convened, held and kept for His Majesties Service at the *Town-House* in *Boston*, upon the day of the said person being Chosen by the major part of the Electors present at said Meeting. Dated in *B.* aforesaid the day of *Anno Domini*

A. B.
C. D. } *Select men*
E. F. } *of* B.

The person Chosen as
aforesaid, notified thereof
and Summoned to attend accordingly
by me A. B. *Constable of* B.

An Act for the Eſtabliſhing of Precedents and Forms of Writs and Proceſſes in Civil Cauſes.

BE it Enacted and Ordained by the Lieutenant Governour, Council and Repreſentatives, Convened in General Aſſembly and it is hereby Enacted and Ordained by the Authority of the ſame, That the ſeveral Forms of Writs and Proceſſes in Civil Cauſes here under-written, be, and hereby are Eſtabliſhed to be the Forms which the reſpective Officers that are or ſhall be appointed to grant the ſame, ſhall obſerve and uſe.

That is to ſay,

Summons for Appearance before a Juſtice of Peace.

Eſſex ſſ. TO the Sheriff or Marſhal of the ſaid County of *E.* or either of their Deputies or Conſtables of the Town of *S.* within the ſaid County, or to any or either of them. *Greeting.*

In His Majeſties Name you are Required to Summon and give notice unto *T. P.* of *S.* aforeſaid, *addition* (if he may be found in your Precincts) that he appear before me *J. H.* Eſqr. one of His Majeſties Juſtices of the Peace for the County aforeſaid, at my Dwelling-Houſe in *S.* on the day of at of the Clock in the noon, then and there to anſwer to *E. L.* of *M.* *addition* in an Action or plea of which is to the damage of the ſaid *E. L.* the Sum of *Shillings,* as ſhall then and there appear, with other due damages. You are alſo hereby further required to ſignifie unto the ſaid *T. P.* That he may not fail in the premiſes as he will anſwer the Contempt at the peril of the Law in this Caſe made and provided; and of this Writ with your doings therein, you are to make true Return unto my ſelf at or before the ſaid day of Dated at *S.* the day of In the Year of His Majeſties Reign. *Annoque Domini*

J. H.

Warrant for Contempt.

Eſſex ſſ. TO the Sheriff or Marſhal of the ſaid County of *E.* or either of their Deputies, or Conſtables of the Town of *S.* within the ſaid County, or to any or either of them. *Greeting.*

Whereas *T. P.* of *S.* *addition* was Served with Summons granted by me *J. H.* Eſqr. one of His Majeſties Juſtices of the Peace for the County aforeſaid, for his appearance before me, on the day of to anſwer *E. L.* of *M.* *addition* in an action or plea of And whereas the ſaid *T. P.* hath made default in his ſaid appearance. Theſe are therefore in His Majeſties Name to will and require you to take the Body of the ſaid *T. P.* (if he may be found in your Precincts) and him ſafely keep, ſo that he may be had before me the ſaid *J. H.* at my Dwelling-Houſe in *S.* on the day of at of the Clock in the noon, as well to anſwer the ſaid *E. L.* of his plea aforeſaid, as for his ſaid Contempt, and make true Return of this Writ with your doings therein, unto my ſelf at or before the ſaid day of Dated at *S.* the day of In the Year of His Majeſties Reign. *Annoque Domini.*

J. H.

To

Eſſex ſſ TO the Sheriff or Marſhal of the ſaid County of *E.* or either of their Deputies or Conſtables of the Town of *S.* within the ſaid County or to any or either of them. *Greeting.* Attachment before a Juſtice of Peace.

In His Majeſties Name you are required to attach the Goods or Eſtate of *T. P.* of *S.* *addition* to the value of *Shillings* and for want thereof to take the Body of the ſaid *T. P.* (if he may be found in your Precinct) and him ſafely keep, ſo that he may be had before me *J. H.* Eſqr. one of His Majeſties Juſtices of the Peace for the County aforeſaid, at my Dwelling-Houſe in *S.* on the day of at of the Clock in the noon, then and there to anſwer to *E. L.* of *M* *addition* in an Action or plea of which is to the damage of the ſaid *E. L.* the Sum of *Shillings* as ſhall then and there appear with other due damages. Hereof fail not, and make due return of this Writ with your doings therein unto my ſelf at or before the ſaid day of Dated at *S.* the day of In the Year of His Majeſties Reign. *Annoque Domini* *J. H.*

Eſſex ſſ *WILLIAM* the Third by the Grace of GOD of *England*, *Scotland*, *France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marſhal of our ſaid County of *E.* or either of their Deputies, or Conſtables of the Town of *S.* within our ſaid County, or to any or either of them. *Greeting.* Whereas *E. L.* of *M.* *addition* on the day of before *J. H.* Eſqr. one of our Juſtices of the Peace for our County aforeſaid, recovered Judgment againſt *T. P.* of *S.* *addition* for the Sum of *Shillings* Debt or Damage, and *Shillings* and *pence* for Charges of Suit as to us appears of Record, whereof Execution remains to be done. We Command you therefore, That of the Money of the ſaid *T. P.* or of his Goods or Chattels within your Precinct, at the value thereof in money you cauſe to be levied, paid and ſatisfied unto the ſaid *E. L.* the aforeſaid Sums being *Pounds* *Shillings* and *pence* in the whole, and alſo that out of the ſaid Money, Goods or Chattels, you levy *Two Shillings* more for this Writ, together with your own Fees; and for want of ſuch Money, Goods or Chattels of the ſaid *T. P's*, to be by him ſhewn unto you, or found within your Precinct to the acceptance of the ſaid *E. L.* for ſatisfying the aforeſaid Sums: We Command you to take the Body of the ſaid *T. P.* and him Commit unto the Keeper of our Goal in *S.* in our County aforeſaid within the ſaid Priſon: Whom we likewiſe Command to receive the ſaid *T. P.* and him ſafely keep, until he pay unto the ſaid *E. L.* the full Sums above mentioned, and be by him releaſed, and alſo ſatisfie your Fees. Hereof fail not, and make due return of this Writ with your doings therein unto our ſaid Juſtice within Sixty Dayes next coming. Witneſs our ſaid Juſtice at *S.* the day of In the Year of our Reign. *Annoque Domini* *J. H* Execution granted by a Juſtice of Peace.

Suffolk ſſ *WILLIAM* the Third by the Grace of GOD of *England*, *Scotland*, *France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marſhal of our ſaid County of *S.* his Under-Sheriff or Deputy. *Greeting.* We Command you to attach the Goods or Eſtate of *D. T.* of *B.* *addition* to the value of *Pounds* and for want thereof to take the Body of the ſaid *D. T.* (if he may be found in your Precinct) and him ſafely keep, ſo that you have him before our Juſtices at our next Court of to be holden at *B* within or for our County aforeſaid, on the *Tueſday* of then and there to anſwer unto *C. L.* of *R* *addition* in an Action of which is to the damage of the ſaid *C. L.* the Sum of *Pounds*, as ſhall then Attachment to the Superiour or Inferiour Court reſpectively.

then and there appear with other due damages: And have you there this Writ with your doings therein. Witneſs *E. H.* Eſqr. at *B.* the day of In the Year of our Reign. *Annoque Domini* *J. W.* Clerk.

Summons to the party whoſe goods are Attached.

Suffolk ſſ *WILLIAM* the Third by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, KING, Defender of the Faith, *&c.* To *D. T.* of *B* *addition* *Greeting.* We Command you, That you appear at our Court of to be Holden at *B.* within or for our County of *S.* aforeſaid, on the *Tueſday* of to anſwer unto *C L.* of *R* *addition* in an Action of which Action the ſaid *C. L.* hath commenced, to be heard and determined at the ſaid Court: To reſpond which your Goods or Eſtate are attached to the value of *Pounds*, the damage laid in the ſaid Action being *Pounds*. Hereof fail not at your peril. Witneſs *E. H.* Eſqr. at *B.* the day of In the Year of our Reign. *Annoque Domini* *J. W.* Clerk.

Execution out of the Superiour or Inferiour Court reſpectively.

Suffolk ſſ *WILLIAM* the Third, by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marſhal of our ſaid County of *S.* his Under-Sheriff or Deputy. *Greeting.* Whereas *C. L.* of *R* *addition* recovered Judgment againſt *D. T.* of *B* *addition* before our Juſtices of our Court of holden for or within our County aforeſaid, on the *Tueſday* of for the Sum of *Pounds* Debt or Damage, and *Pounds* *Shillings* and *Pence* Coſts of Suit, as to us appears of Record, whereof Execution remains to be done. We Command you therefore, That of the Goods, Chattels or Lands of the ſaid *D. T.* within your Precinct, you cauſe to be paid and ſatisfied unto the ſaid *C. L.* at the value thereof in money, the aforeſaid Sums, being *Pounds* *Shillings* and *Pence* in the whole, with *Two Shillings* more for this Writ, and thereof alſo to ſatisfie your ſelf for your own Fees. And for want of ſuch Goods, Chattels or Lands of the ſaid *D. T.*'s to be by him ſhewn unto you, or found within your Precinct to the acceptance of the ſaid *C. L.* to ſatisfie the aforeſaid Sums, We Command you to take the Body of the ſaid *D. T.* and him Commit unto the Keeper of our Goal in *B.* in our County aforeſaid within the ſaid Priſon, whom we likewiſe Command to receive the ſaid *D. T.* and him ſafely to keep, until he pay unto the ſaid *C. L.* the full Sums above mentioned, and be by him releaſed, and alſo ſatisfie your Fees. Hereof fail not, and make Return of this Writ with your doings therein unto our ſaid Court of to be holden at *B.* upon the *Tueſday* of next. Witneſs *E. H.* Eſqr. at *B.* the day of In the Year of our Reign. *Annoque Domini* *J. W.* Clerk.

Writ of *Facias habere poſſeſſionem*, and Writ of *Fieri Facias* for damages and coſts out of the Superiour or Inferiour Court reſpectively.

Suffolk ſſ *WILLIAM* the Third, by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marſhal of our ſaid County of *S.* his Under Sheriff or Deputy. *Greeting.* Whereas *A. B.* of *C.* *addition* before our Juſtices of our Court of holden for or within our County aforeſaid, at *B.* upon the *Tueſday* in by the Conſideration of our ſaid Court, recovered Judgment for his Title and poſſeſſion of and in a certain Meſſuage or Tenement with the appurtenances, or acres of Land, *&c.* lying and being in the Town of *D.* againſt *E. F* of *G.* *addition* who had unjuſtly put out and amoved the ſaid *A. B.* from his poſſeſſion thereof; and alſo at the ſaid Court recovered Judgment for *Pounds* *Shillings* and *Pence*

Pence for Coſts and Damages which he has ſuſtained by reaſon of the ſaid offence and ejectment, and expended for the removal thereof, as to Us hath been made to appear of Record. We Command you therefore, that without delay you cauſe the ſaid *A. B.* to have poſſeſſion of and in the ſaid Meſſuage or Tenement with the appurtenances of ſaid acres of Land, *&c.* We alſo Command you, That of the Goods, Chattels or Lands of the ſaid *E. F's.* within your Precinct, at the value thereof in money, you cauſe the ſaid *A. B.* to be paid and ſatisfied the aforeſaid Sum of *Pounds* *Shilling* and *Pence*, which to the ſaid *A. B.* was adjudged for his Coſts and Damages, with *Two Shillings* more for this Writ, and thereof alſo to ſatisfie yourſelf for your own Fees. And for want of ſuch Goods, Chattels or Lands of the ſaid *E. F.* to be by him ſhewn unto you, or found within your Precinct to ſatisfie the aforeſaid Sum. We then Command you to take the Body of the ſaid *E. F.* and him commit to the Keeper of our Goal in *B.* in our County aforeſaid, within the ſaid Priſon: Whom We likewiſe Command to receive him the ſaid *E. F.* and him ſafely to keep, until he pay unto the ſaid *A. B.* the full Sum above mentioned, and be by him releaſed, and alſo ſatisfie your Fees. Hereof fail not, and make Return of this Writ, with your doings therein unto our ſaid Court of to be holden at *B.* upon the *Tueſday* in next. Witneſs *T. D.* Eſqr. at *B.* the day of In the Year of our Reign. *Annoque Domini* *A. D.* Clerk.

Writ of *ſcire facias* out of the Superiour or Inferiour Court reſpectively.

Suffolk ſſ. WILLIAM the Third, by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marſhal of Our ſaid County of *S.* his Under Sheriff or Deputy. *Greeting.* Whereas *C. D.* of *B.* *addition* before our Juſtices of our Court of holden for or within our ſaid County of *S.* at *B.* on the *Tueſday* of In the Year of our Reign, By the conſideration of our ſaid Juſtices recovered againſt *A. B.* of *E.* *addition* the Sum of *Pounds* *Shillings* and *Pence*, Debt or Damage, and alſo *Pounds* *Shillings* and *Pence*, for Coſts and Charges by him about his Suit in that behalf expended, whereof the ſaid *A. B.* is convict as to Us appears of Record, and although the Judgment be thereof rendred, yet the Execution of the ſaid Debt and Coſts doth yet remain to be made, whereof the ſaid *C. D.* hath ſupplicated Us to provide remedy for him in that behalf. Now to the end that Juſtice be done. We Command you, That by honeſt and lawful men of your Precinct, you make known to the ſaid *A. B.* that he be before our Juſtices of our ſaid Court of to be holden within or for our ſaid County of *S.* at *B.* on the *Tueſday* of to ſhew cauſe (if any he have) wherefore the ſaid *C. D.* ought not to have his Execution againſt him of the Debt and Coſts aforeſaid, and further to do and receive that which our ſaid Court ſhall then conſider, and have there then the names of them by whom to him you ſhall make known the ſame and this Writ. Witneſs *E. H.* Eſqr. at *B.* the day of In the Year of our Reign. *Annoque Domini*

J. W. Clerk.

Attachment to Review at the Superiour or Inferiour Court reſpectively.

Suffolk ſſ. WILLIAM the Third, by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, KING, Defender of the Faith, *&c.* To the Sheriff or Marſhal of our ſaid County of *S.* his Under-Sheriff or Deputy. *Greeting.* We Command you to attach the Goods or Eſtate of *I. M.* of *H.* *addition* to the value of *Pounds*: And for want thereof to take the Body of the ſaid *I. M.* (if he may be found within your Precinct) & him ſafely keep, ſo that you have him before our Juſtices at our next Court of to be holden at *B.* for our

County aforeſaid, on the *Tueſday* of then and there to anſwer unto *L. K.* of *R.* *addition* on review of an Action or Suit commenced and Tryed by the ſaid *I. M.* againſt the ſaid *L. K.* Defendant at the Court of holden at *B.* aforeſaid, on the *Tueſday* of where Judgment was rendred for the ſaid *I. M.* to recover of the ſaid *L. K.* and coſts of Suit, which Judgment the ſaid *L. K.* ſaith is wrong & erronious, and that he is thereby damnifyed the Sum of *Pounds*, as ſhall then and there be made to appear: For the Reverſing whereof and recovering back the ſaid granted to the ſaid *I. M.* by the Judgment aforeſaid; he the ſaid *L. K.* bringeth this Suit, as alſo for his coſt and damage occaſioned thereby. And have you there this Writ with your doings therein. Witneſs *T D.* Eſqr. at *B.* the day of In the Year of our Reign. *Annoque Domini* *A. D.* Clerk.

Suffolk ff. To *A. B.* of *C.* *Greeting.*

Summons for Witneſſes to give Evidence.

YOu are hereby required in His Majeſties Name to make your apperance before His Majeſties Juſtices of the next Court of to be holden within or for the ſaid County of *S.* at *B.* upon the *Tueſday* of to give Evidence of what you know relating to a Plea or Action of then and there to be heard and tryed betwixt *A. B.* of *C.* *addition* Plaintiff, and *D. E.* of *F.* *addition* Defendant. Hereof fail not, as you will anſwer your Default under the pains and penalty of the Law in that behalf made and provided. Dated in *B.* the day of In the Year of His Majeſties Reign. *Annoque Domini*

J, W. Clerk.

Replevin.

Suffolk ff. TO the Sheriff or Marſhal of the ſaid County of *S.* his Under-Sheriff or Deputy or Conſtables of the Town of *B.* within the ſaid County, or to any or either of them. *Greeting.*

In His Majeſties Name you are Required to Replevin belonging unto *T. P.* of *B.* *addition* now diſtreined or impounded by *J. G.* of *B.* *addition* and deliver the ſaid unto the ſaid *T. P.* provided he give Bond to the value of *Pounds*, with ſufficient Surety or Sureties to proſecute his Replevin at the next Inferiour Court of Common Pleas to be Holden for the County aforeſaid, at *B.* on the *Tueſday* of and ſo from Court to Court, until the Cauſe be ended, and to pay ſuch Coſts and Damages as the ſaid *J. G.* ſhall recover againſt him. Hereof fail not, and make true Return of this Writ with your doings therein unto the ſaid Court. Dated in *B.* the day of In the Year of His Majeſties Reign. *Annoque Domini*

J. W. Clerk.

The like Form of a Replevin to be obſerved for matters cognizeable before a Juſtice of Peace, *Mutatis mutandis.*

Writ of Error.

Suffolk ff. WILLIAM the Third, by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, KING, Defender of the Faith, *&c.* To *A. B.* Eſqr. *Greeting.* Whereas in the Record and Proceſs, and alſo in giving Judgment of a Suit which was before you, and other our Juſtices of our Inferiour Court of Common Pleas holden at *B.* within or for our ſaid County of *S.* on the *Tueſday* of between *C. D.* of *E.* *addition* Plaintiff, and *F. G.* of *H.* *addition* Defendant, in an Action of Error manifeſt doth appear to have intervened to the grievous damage of the ſaid *F. G.* as of his Complaint, We have received: We therefore being willing that Error,

Error, (if any there be in this behalf) in due manner be corrected, and that ſpeedy Juſtice according to Law to the ſaid *F. G.* be therein done, as it becometh Us, Command you, That the Judgment in the Suit aforeſaid, and Execution thereupon iſſued (if any be) together with the whole Record and Proceſs of the ſaid Suit, and all things touching the ſame in any manner, you have before our Juſtices of our Superiour Court of Judicature, to be holden at *B.* for or within our ſaid County of *S.* on the *Tueſday* of under your Seal: So that our ſaid Juſtices of our ſaid Superiour Court may then and there have them, and the Proceſs and Record aforeſaid, & alſo may (after the ſame are by them inſpected) therein further do what of right ought to be done: And if Execution of the Judgment aforeſaid be not made out before the receiving of this Writ, that then as well from granting thereof as from further taking, impriſoning, or in any thing moleſting the ſaid *F. G.* on the occaſion aforeſaid, until the Plea upon this Writ of Error to be corrected, depending undiſcuſſed, be fully determined, you altogether ceaſe and ſuperſede. Hereof fail not, and have then and there alſo this Writ with your doings. Witneſs *T. D.* Eſqr. at *B.* the day of , In the Year of our Reign. *Annoque Domini*

A. D. Clerk.

Suffolk ſſ WILLIAM the Third, by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, KING, Defender of the Faith, &c. To the Sheriff or Marſhal of our ſaid County of *S.* his Under Sheriff or Deputy. *Greeting.* Whereas *C. D.* of *E.* *addition* before our Juſtices of our Inferiour Court of Common Pleas holden at *B.* within or for our ſaid County of *S.* on the *Tueſday* of recovered Judgment againſt *F. G.* of *H.* *addition* for *Pounds* *Shillings* Debt or Damage, and *Shillings* for Coſts as to Us appears of Record. And whereas from the grievous Complaint of the ſaid *F. G.* We have received that in the Record and Proceſs and in rendring of Judgment in the Suit aforeſaid, Error manifeſt hath intervened to the grievous damage of the ſaid *F. G.* and We being willing that Error therein (if any be) in due manner be corrected, and that to the ſaid *F. G.* full and ſpeedy Juſtice in this behalf be done, have by Our Writ commanded *A. B.* Eſqr. Juſtice of Our ſaid Inferiour Court of Pleas: That the Judgment in the Suit aforeſaid, and Execution thereupon iſſued (if any be) together with the whole Record and Proceſs of the ſaid Suit, and all things touching the ſame in any manner, he have before Our Juſtices of Our Superiour Court of Judicature, to be holden at *B.* for or within Our ſaid County of *S.* on the *Tueſday* of under his Seal, that the Juſtices of Our ſaid Superiour Court (after inſpecting the Record and Proceſs aforeſaid) may therein further do what of right ought to be done. But foraſmuch as the Record and Proceſs aforeſaid, with all things touching the ſame, cannot be returned until the Sitting of the ſaid Superiour Court on the *Tueſday* of aforeſaid, and ſo Error therein (if any be) in the mean time cannot be diſcuſſed. We therefore Command you, That if Execution be iſſued upon or by occaſion of the Judgment aforeſaid you ceaſe and ſuperſede the levying of the ſame on the ſaid *F. G.* or on any of his Goods, Chattels, Lands or Tenements whatſoever, until the Plea upon Our Writ of Error to be corrected, depending undiſcuſſed, be fully determined. Hereof you may not fail, and have with you this Writ with your doings therein at the Superiour Court aforeſaid. Witneſs *T. D.* Eſqr. at *B.* the day of In the Year of Our Reign. *Annoque Domini*

A. D. Clerk.

Superſedeas where Execution is granted before the taking out a Writ of Error.

To the Conſtables of the Town of *B.* in the County of *S. Greeting.*

A Warrant for Collecting of Town Aſſeſsments.

IN His Majeſties Name you are Required forthwith to Levy and Collect of the perſons named in the Liſt herewith committed unto you, each one his ſeveral proportion (as therein ſet down) of the Sum total of ſuch Liſt, being a Tax or Aſſeſsment granted and agreed upon by the Inhabitants of the ſaid Town of *B.* regularly aſſembled, for defreying of the neceſſary Charges ariſing within the ſame.

And to deliver and pay in the Sum and Sums which you ſhall ſo Levy and Collect unto *A. B.* Treaſurer of the ſaid Town (where any ſuch is appointed) or to the Select-men, or to *C. D.* (being by them appointed to receive the ſame) at on or before the day of

And if any perſon or perſons ſhall neglect or refuſe to make payment of the Sum or Sums whereat he or they are reſpectively aſſeſſed and ſet in the ſaid Liſt, to diſtrein the Goods or Chattels of ſuch perſon or perſons to the value thereof, at an equal and indifferent Apprizement, returning the Overplus (if any be) unto the Owner or Owners. And for want of Goods or Chattels whereon to make diſtreſs, you are to Seiz the Body or Bodies of the perſon or perſons ſo refuſing, and him or them to Commit unto the Common Goal of the ſaid County, there to remain until he or they pay and ſatisfie the ſeveral Sum or Sums aſſeſſed upon him or them as aforeſaid, unleſs the ſame or any part thereof upon application made unto the Quarter or General Seſſions of the Peace ſhall be abated. Dated at *B.* the day of In the Year of His Majeſties Reign. *Annoque Domini*

And the like Form of a Warrant ſhall be uſed for the Collecting of County Rates or Aſſeſsments, *Mutatis mutandis.*

Copy of the Warrant to be left with the keeper when any perſons are impriſoned by virtue thereof.

And be it further Enacted, That when the Officer appointed for Collecting any Rates by virtue of ſuch Warrant as aforeſaid, ſhall Seiz the Body of any perſon or perſons for want of Goods or Chattels whereon to make diſtreſs, and ſhall commit him or them to Priſon. A Copy of ſaid Warrant with the Sum or Sums ſuch perſon or perſons are to pay, Sign'd by the ſaid Officer, ſhall be a ſufficient Warrant for the Goaler to receive and hold ſuch perſon or perſons, until he or they ſhall pay the ſaid Rate, and his or their Charges of Impriſonment, with *One Shilling* for the Copy of ſaid Warrant.

Proceedings upon a Writ of Error.

And be it further Enacted by the Authority aforeſaid, That every perſon bringing a Writ of Error for the removal of any Caſe out of the Inferiour Court of Common Pleas for another hearing and Tryal in the Superiour Court of Judicature, ſhall aſſign the Errors in the proceedings and Judgment given in the Inferiour Court, in writing under his own or Attorneys Hand, and file the ſame in the Clerks Office of ſuch Inferiour Court, fourteen days incluſive before the Sitting of the Superiour Court, at which the Caſe is to be heard, to the intent the adverſe party may have a Copy thereof (if deſired) And ſhall alſo cauſe him to be notified of the ſaid Writ of Error, and Served with Summons out of the Clerks Office of the Superiour Court, by the like ſpace of fourteen days to appear and defend the ſaid Suit: And the party taking out ſuch Writ of Error, ſhall at his own Coſt and Charge cauſe the Record and Proceſs of the Caſe in the Inferiour Court, and all the proceedings thereon, together with the Errors aſſigned therein, to be Certified unto the Superiour Court of Judicature; which coſt and charge ſhall be repaid by the Defendant if upon ſuch Tryal the Judgment given in the Inferiour Court be reverſed.

And it is further Declared and Enacted, That where any Execution ſhall be returned ſatisfied in part only, the Officer who granted the ſame may *Ex Officio* renew or make out an *alias* Execution for the Remainder; Provided it be done within the ſpace of twelve months next after Judgment given, without a *Scire Facias* being Sued forth by the party that recovered the Judgment.

Clerks of Courts to grant an *alias* Execution *ex Officio*, upon return of the former Execution being ſatisfyed in part only.

And be it further Enacted by the Authority aforeſaid, That whoſoever ſhall cauſe Proceſs to be Served upon any perſon or perſons on pretence of Debt, Treſpaſs or other matter or cauſe, and diſcontinue his or their Suit, or be Non-Suited, the perſon or perſons on whom Proceſs ſhall be ſo Served, making it appear to the Juſtices of the Court where ſuch Proceſs is returnable, ſhall be allowed his or their reaſonable Coſts and Charges.

Coſts to be allowed againſt perſons diſcontinuing their Suit or becoming non-ſuit.

And all Writs, as well Original as Judicial iſſuing out of the Clerks Office of the Superiour Court of Judicature ſhall bear the Teſt of the Chief Juſtice, and upon any vacancy of ſuch Chief Juſtice, then of the Senior Juſtice of the ſaid Court for the time being. And all Writs as well Original as Judicial iſſuing out of the Clerks Office of the ſeveral Inferiour Courts of Common Pleas, ſhall bear the Teſt of the firſt Juſtice named in the Commiſſion for holding of ſaid Court; And upon any vacancy by his death or removal then of the next Juſtice in ſuch Commiſſion named for the time being.

Writs out of the Superiour Court to bear the teſt of the chief Juſtice.

Any Law, Uſage or Cuſtom to the contrary of any thing herein before contained notwithſtanding.

Writs out of the Inferiour Court to bear the teſt of the firſt Juſtice named in the Commiſſion.

An Act for providing of Pounds, and to prevent Reſcous and Pound breach.

BE it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That there ſhall be a ſufficient Pound or Pounds made and maintained from time to time in every Town and Precinct within this Province, in ſuch part or places thereof, as the Select-men ſhall direct and appoint, at the coſt and charge of ſuch Town or Precinct, for the impounding and reſtraining of all Swine, Cattle or Sheep, liable to be impounded or reſtrained, for any of the cauſes herein after mentioned.

Each Town to maintain a ſufficient Pound.

And that it ſhall and may be lawful to and for any other perſon or perſons as well as the Hawards or Field drivers, to take up, and impound or cauſe to be impounded, any Swine, Neat Cattle, Horſes or Sheep, as ſhall be found damage feaſant in any Corn-field, or other incloſure; or Swine found unyoked or unringed; Neat Cattle, Horſes or Sheep going upon the Common, not allowed to feed there by the major part of the Propriety, who are impowred to permit the ſame; any Law to the contrary notwithſtanding. And the Owners or Claimers of any ſuch Creatures impounded as aforeſaid, ſhall pay the Fees ſet in and by an Act Entituled, *An Act, For Regulating of Fences, Cattle, &c.* unto the Pound keeper, before they be delivered out of Pound, as alſo the Fee to the party impounding and damage to the party injured, unleſs ſuch Owner or Claimer ſhall think fit to Replevie his Creatures impounded, and give ſufficient Bond with one or more Sureties to proſecute his Replevin with effect in Law, either before a Juſtice of the Peace, within fifteen days incluſive from the date of ſuch Replevin, or at the next Inferiour Court of Common Pleas to be holden within the ſame County, according to the value of the damages alledged to be ſuffered, and to pay all ſuch coſts and damages as ſhall be awarded againſt him.

For what cauſes Cattle *&c.* to be impounded.

The Owner of Creatures impounded, to be notified thereof (if known) if not the Creatures to be cryed & posted up.

And every person impounding any Swine, Neat Cattle, Horses or Sheep, shall give present notice thereof unto the Owner, if known, or leave a Notification thereof in writing at his house or place of usual abode, or if unknown, shall cause the same to be publickly cryed, or posted up in some publick place in such Town, and in the two next Neighbouring Towns, from whence it may be most likely such Creatures came. And shall also cause the Creatures so impounded, to be relieved with suitable meat and water, the charge whereof shall be paid by the Owner or Owners, as also of the crying of them after the rate of *Three-pence Per* Head, for a number not exceeding Twelve, and no more than *Three Shillings* for a greater number. And if no Owner or Claimer appear within the space of three days next after the impounding of any such Creatures, then the person or persons so restraining of them shall proceed with them as the Law provides respecting Strays.

Fee for crying.

after three days to be proceeded with as strays.

And be it further Enacted by the Authority aforesaid, That if any person or persons shall Rescue any Swine, Neat Cattle, Horses or Sheep taken up as aforesaid, out of the hands of the Haward or other person being about to drive them to the Pound, whereby the party injured may be liable to lose his damages, and the Law be eluded, the party so offending, shall for such Rescous, forfeit and pay the Sum of *Forty Shillings* to the use of the poor of the Town or Precinct where the Offence is committed; besides all just damages unto the party injured, to be recovered by Action, Bill, Plaint or Information in any of His Majesties Courts of Record. And if any person or persons shall make any Pound breach, or by any other indirect ways or means howsoever, convey or deliver any Creatures impounded out of the Pound, the party so offending being duly convicted thereof, shall forfeit and pay the Sum of *Five Pounds* to the use of the Poor of the Town or Precinct where the Offence is committed, as also all just damages to the party injured by such Creatures to be had and recovered in manner as aforesaid. And if such Rescous Pound breach or conveying of Creatures out of the Pound happen to be committed by any Apprentices or persons under Age, not having of their own wherewith to satisfie the Law, and their Parents or Masters refuse to pay the Fine and Damages which the Law in such case does inflict. It shall and may be lawful to and for the Justices before whom such Action or Plaint shall be depending, upon a due conviction of the person or persons complained of, and prosecuted for such Offence, to Commit him or them to the next Goal in the County where the Offence is done, there to remain till Satisfaction be made as above-said: Or otherwise may punish such Offender by Imprisonment, not exceeding sixty dayes, in lieu of the Fine, and leave the party injured to his remedy at Law, to recover his damage of the Parent or Master of such Child or Apprentice; which such Parent or Master respectively shall be liable to have recovered of him upon Action to be therefore brought, and Execution to be accordingly awarded upon Judgment given in that respect.

Penalty for a Rescous.

Penalty for pound breach.

Committed by Apprentices or persons under age, how to be punished.

And be it further Enacted by the Authority aforesaid, That when and so often as any Trespass or Trespasses shall be done in common or general Fields, not being sufficiently Fenced in as the Law directs, the party injured shall forthwith procure two sufficient persons of good repute and credit, to view and adjudge of the damage done, giving notice of such Trespass unto the Owner or Claimer of the Beast or Cattle that did the same (if known and resident in the same Town or near by) that he may be present, and nominate one of the Apprizers if he see cause, and the damage to be answered according to such Estimation.

Trespass done in common or general Fields.

The Owner of defective Fence to make good damages.

And where damage happens through the insufficiency of the Fence, the Owner or Occupier of the Land to which the defective Fence belongs, shall be liable to answer and make good all such Damage.

An

An Act for preventing of Treſpaſſes.

BE it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That all and every perſon and perſons which ſhall unlawfully cut or take away any Graſs, Corn or Grain, growing, or rob any Orchard or Garden, or break or cut, pull down or remove any Hedge, Pale, Rail or Fence, or that ſhall hurt or digg, or pull up, or take away any Grafts or Fruit Trees, and their Procurers or Receivers knowing the ſame, being thereof convict by confeſſion of the party, or by the teſtimony of ſufficient Witneſſes upon Oath before any Court, or any one Juſtice of the Peace in the County where the Offence ſhall be committed, ſhall pay unto the party injured, ſuch recompence as by the Court or Juſtice before whom the Treſpaſs is found ſhall be awarded. Robbers of Orchards, Gardens, &c. how to be puniſhed.

And be it further Enacted by the Authority aforeſaid, That if any perſon or perſons ſhall cut or carry off any manner of Wood, Underwood, Timber, Poles, or Trees ſtanding, lying or growing on the Land of any o thers, or off or from the Commons of any Town, other than that to which he doth belong, or within the ſame Town, having no right or priviledge there, without leave or licence from the major part of the Propriety of ſuch Commons, or the Owner or Owners of the Land whereon ſuch Wood, Underwood, Timber, Poles or Trees were ſtanding, lying or growing: Every perſon ſo offending, ſhall forfeit and pay unto the party or parties injured or treſpaſſed upon, the Sum of *Twenty Shillings* for every Tree of one foot over, and *Ten Shillings* for every Tree or Pole under that bigneſs, and for other Wood or Underwood treble the value thereof; to be recovered by Action, Bill, Plaint or Information before any Juſtice of the Peace in the County where the Offence is committed, if the forfeiture exceed not *Forty Shillings*, but if it be above that value, then before the Inferiour Court of Common Pleas within the ſame County. And if any perſon ſhall be convict of ſuch Offence a ſecond time, he ſhall forfeit and pay to the uſe of the poor of the Town where the Offence is committed, the Sum of *Twenty Shillings*, or ſuffer one months Impriſonment over and above the forfeiture above ſaid, or damages to the party injured. Penalty for cutting or carrying of any Trees, Wood, &c. from off another mans Land, or off the common. Forfeiture upon a ſecond conviction.

And be it further Enacted by the Authority aforeſaid, That if any Children or Servants ſhall offend againſt this Act in any of the particulars therein mentioned, and their Parents or Maſters refuſe to anſwer the forfeiture or damage awarded againſt them, they ſhall be puniſhed by Whipping, ſetting in the Stocks or Cage, or by Impriſonment, at the diſcretion of the Court or Juſtice before whom the proſecution ſhall be, according to the nature and degree of the Offence and circumſtances aggravating. Children or Servants offending againſt this Act, how puniſhed.

And be it further Enacted by the Authority aforeſaid, That when in Action of Treſpaſs brought before a Juſtice of Peace, the Defendant ſhall juſtify and demur upon plea of Title, a Record ſhall be made thereof, and the matter of Fact be taken *pro confeſſo*, and the party making ſuch Plea ſhall become bound with one or more Sureties by way of Recogniſcance unto the adverſe party in a reaſonable Sum, not exceeding *Twenty Pounds*; on condition that he ſhall purſue his Plea, and bring forward a Suit for a Tryal of his Title, at the next Inferiour Court of Common Pleas to be holden for the County in which ſuch Treſpaſs is alleadged In action of Treſpaſs before a Juſtice of Peace, if the Defendant juſtifie on Plea of Title, the cauſe to be removed, and bond given.

alleadged to be done, and pay and ſatisfie all ſuch damages and coſts as by the ſaid Court ſhall be awarded againſt him; which Recogniſcance the Juſtice is hereby Impowred to require and take, and ſhall be paid for the ſame by the Reconuſcer, *Two Shillings*, and *One Shilling* for Recording his plea, and at the Charge alſo of the ſame party ſhall certifie the Proceſs and Record of ſuch plea, together with the Recogniſcance, unto the ſaid Inferiour Court of Common Pleas. And if ſuch Reconuſcer ſhall neglect to bring forward ſuch Suit at the Inferiour Court according to the tenour of his Recogniſcance, the default ſhall be Recorded, and a Writ of *Scire Facias* be iſſued out of the Clerk's Office of the ſame Court, in manner as by Law is directed for the recovery of the Sum or penalty in the Recogniſcance mentioned of him, his Surety or Sureties. Or if upon Tryal before the ſaid Court he ſhall not make out a Title to the Land or Tenement on which the Treſpaſs is laid to be done paramount to the poſſeſſion or other Title of the adverſe party, Judgment ſhall be rendred for the party treſpaſſed upon, for treble damages and coſts of Suit. But if the Defendant in Treſpaſs juſtifying on plea of Title ſhall refuſe or neglect to become bound in manner as aforeſaid, then his plea ſhall abate, and the Juſtice notwithſtanding the ſame ſhall proceed to try the cauſe, and upon due proof of the Treſpaſs committed by him ſhall award damages againſt him according to what ſhall be made out, and coſt of Suit.

Upon neglect or refuſal to give bond, the caſe to proceed.

And be it further Enacted, That if in the opening and pleading of any Action of Treſpaſs there be diſcloſed and proved any breach of the Peace, the party or parties guilty thereof, ſhall be Fined to the King, or otherwiſe puniſhed as the Law in ſuch caſe provides.

Breach of the Peace to be puniſhed.

An Act againſt Receiving of Stol'n Goods.

WHEREAS *divers leud and evil minded perſons for the ſake of filthy Lucre, do frequently receive from* Indians, Molato's, Negro's *and other ſuſpected perſons, Money and Goods Stol'n, or obtained by other indirect and unlawful wayes and means, thereby Encouraging of Theft.*

For Redreſs whereof,

Be it Declared and Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That every perſon whomſoever which ſhall preſume either openly or privately, to buy or receive of or from any *Indian, Molato* or *Negro* Servant or Slave, or of other known, diſſolute, leud and diſorderly perſon, of whom there is juſt cauſe of ſuſpicion, any Money, Goods, Wares, Merchandizes or Proviſions: And it appear the ſame Money, Goods, Wares, Merchandizes or Proviſions to have been Stol'n, gotten or obtained by any indirect or unlawful wayes or means; every perſon ſo offending, and being thereof convicted, ſhall be ſentenced to reſtore all ſuch Money, Goods, Wares, Merchandizes or Proviſions, unto the party injured in ſpecie (if not altered) and alſo forfeit to the ſaid party the value thereof over and above; or double the value, where the ſame are diſpoſed of or made away. And if the perſon ſo offending be unable, or ſhall not make reſtitution as awarded, then to be openly Whip't with ſo many ſtripes, (not exceeding Twenty) as the Juſtices or Court that may have Cognizance of the Offence ſhall order, or to make ſatisfaction by Service. And the Indian, Negro, Molato or other

Perſons receiving or buying Stol'n Goods &c. to make reſtitution.

other ſuſpicious perſon as aforeſaid of or from whom ſuch Money, Goods, Wares, Merchandizes or Proviſions ſhall be received or bought, ſhall be puniſhed by Whipping, not exceeding Twenty Stripes, and be further proſecuted as the Law directs in caſe of Theft, unleſs where ſuch Money, Goods or Proviſions ſhall be taken from the Maſter of ſuch perſon.

If unable to make reſtitution to be corporally puniſh'd.

An Act relating to Stray's & loſt Goods, &c.

BE it Enacted by the Lieutenant Governour, Council and Repreſentatives, Conſened in General Aſſembly, and by the Authority of the ſame, That whoſoever ſhall find any Money or Goods loſt, whereof the Owner is not known, the finder within ſix days at the fartheſt next after, ſhall give notice thereof in writing unto the Clerk of the Town in which they were found, to be entred in a Book to be kept for that purpoſe; and ſhall alſo cauſe the ſame to be Cryed by the Conſtable or publick Cryer in ſuch Town, on three ſeveral days, at a Publick Meeting of the Inhabitants thereof; and to be Poſted up in ſome publick place: And if the Money or Goods ſo found be of the value of *Twenty Shillings* or upwards, then to be Cryed and Poſted up in like manner at the two next adjacent Towns.

Money or Goods found to be Entred with the Town Clerk in 6 days after finding.

to be cryed and poſted.

And be it further Enacted by the Authority aforeſaid, That every perſon who ſhall find and take up any ſtray beaſt, ſhall cauſe the ſame to be entred with the colour and marks natural and artificial, and alſo to be poſted up and Cryed in manner and time as aforeſaid, and likewiſe within twenty four hours ſhall put, and from time to time keep a Wyth about the neck of ſuch ſtray Beaſt, on pain of loſing all his Charges about it afterwards.

Stray beaſts to be cryed poſted and wythed.

And the finder of any loſt Goods or Stray Beaſt ſhall alſo within the time before-mentioned, Notify the next Juſtice of the Peace within the ſame County thereof, and ſuch Juſtice ſhall forthwith thereupon order the ſame to be appriſed by two meet perſons by him to be appointed, and ſhall adminiſter an Oath unto them to deal juſtly and indifferently therein.

The next Juſtice to be notified of loſt Goods & Strays. the ſame to be apprized.

And if the finder of any loſt Goods or Stray Beaſt ſhall neglect to cauſe the ſame to be entred, cryed and poſted up in manner and time as before is expreſt, or to wyth ſuch Beaſt, or if the Town Clerk ſhall neglect to enter any loſt Money, Goods or Stray, whereof he ſhall be Notifyed, and have tendred unto him the Fee of *Six pence*, (which he may demand and receive and no more) ſuch Finder or Town Clerk for ſuch omiſſion and default reſpectively ſhall forfeit and pay to the uſe of the poor of ſuch Town, one third part of the full value of ſuch loſt Money, Goods or Strays.

Penalty on the finder for neglect of entring, crying & poſting, and on the Town Clerk for his neglect.

And it is further Enacted, That if the Owner of any ſuch loſt Money, Goods or ſtray Beaſt appear within the ſpace of one year next after ſuch publication as aforeſaid, and make out his right and title thereto, he ſhall have reſtitution of the ſame, or the full value thereof; allowing and paying *Three pence* for each time it was Cryed, *Six pence* for Entring thereof as aforeſaid; as alſo paying ſuch neceſſary Charges as ſhall have ariſen for the keeping of ſuch Strays, loſt Money or Goods, or neceſſary Travel about them to be adjuſted and determined by the Juſtice that ordered the appriſal thereof, or by ſome other Juſtice in the ſame County.

Reſtitution to be made to the owner.

Fee for crying and entring.

And if no Owner appear within one year as aforeſaid, then ſuch Strays, loſt Money or Goods ſhall be to the Finder, he paying one half of the value thereof (all neceſſary charges being firſt deducted) according to apprizement, unto the Treaſurer or Overſeers of the Poor of ſuch Town, for the uſe of the poor thereof, and to be recovered by the Town Treaſurer, Select-

No owner appearing to be divided betwixt the Finder and the poor of the Town.

men or Overſeers of the poor reſpectively as in other Caſes, upon neglect or refuſal to pay the ſame.

Penalty for taking off the Wyth, or taking away any Stray.

And it is further Declared and Enacted by the Authority aforeſaid, That if any Owner of any Stray Beaſt, or other perſon ſhall take the Wyth off from the ſame, or take away ſuch Stray before all the neceſſary Charges ariſen for the entring, crying, and keeping thereof be defreyed, ſuch perſon ſo offending ſhall forfeit and pay unto the Finder of ſuch Stray, the full value of the ſame.

Penalties, &c. how to be recovered.

All the Penalties and Forfeitures in this Act mentioned, to be recovered by Action, Bill, Plaint or Information before a Juſtice of the Peace, where the value exceeds not his Cognizance, or in any other of His Majeſties Courts within this Province.

No Strays to be made from the firſt of *March* to the firſt of *December*.

Provided, That no perſon from the firſt day of *March* to the firſt day of *December* yearly, ſhall take up any Horſe, Gelding, Mare or other Beaſt for a Stray, or account or uſe them as Strays, though the Owner thereof be not known, unleſs ſuch Beaſt be taken damage feaſant in Incloſures.

An Act for the Inſpecting and Suppreſſing of Diſorders in Licenſed Houſes, &c.

Inn-holders &c. to be provided for Entertainment of men and horſes.

BE it Enacted and Declared by the Lieutenant Governour, Council and Repreſentatives, Convened in General Aſſembly, and by the Authority of the ſame, That all Inholders, Taverners and Common Victuallers ſhall at all times be furniſhed with ſuitable Proviſions and Lodging for the Refreſhment and Entertainment of Strangers and Travellers, Paſturing, Stable Room, Hay and Provender for Horſes, on pain of being deprived of their Licence.

Penalty for entertaining of Servants or Negro's.

And that no perſon who is or ſhall be Licenced to be an Inn holder, Taverner, Common Victualler or Retailer, ſhall ſuffer any Apprentice, Servant or Negro to ſit Drinking in his or her Houſe, or to have any manner of Drink there, without ſpecial order or allowance of their reſpective Maſters, on pain of Forfeiting the Sum of *Ten Shillings* for every ſuch Offence. Neither ſhall any Licenſed perſon ſuffer any Inhabitant of ſuch Town where he dwells, or coming thither from any other Town, to ſit Drinking or Tipling in his or her Houſe, or any of the Dependencies thereof, or to continue there above the ſpace of one hour (other than Travellers, perſons upon buſineſs or extraordinary occaſions) on the like penalty of *Ten Shillings* for every Offence.

None to continue in publick houſes above one hour, unleſs, &c.

And every perſon who contrary to this Act, ſhall continue in any ſuch Houſe Tipling or Drinking, or otherwiſe miſordering him or her ſelf, or above the ſpace of one hour (other than as aforeſaid) ſhall forfeit and pay the Sum of *Three Shillings* and *Four pence*, or be ſet in the Stocks, not exceeding four hours time.

None to be ſuffered to be drunk there or to be there on the Lords day, unleſs &c.

And no perſon or perſons Licenſed as aforeſaid, ſhall ſuffer any perſon to Drink to Drunkenneſs, or exceſs in his or her Houſe, nor ſhall ſuffer any perſon as his or her Gueſt to be and remain in ſuch Houſe or any the Dependencies thereof, on the Lords Day (other than Strangers, Travellers, or ſuch as come thither for neceſſary refreſhment) on pain of forfeiting the Sum of *Five Shillings* for every Offence in that kind.

Penalties &c. how to be imployed.

And be it further Enacted by the Authority aforeſaid, That all Fines and Forfeitures ariſing for any of the Offences before mentioned, ſhall be one moiety thereof to the uſe of the poor of the Town where the

the Offence is committed, and the other moiety to him or them that ſhall inform and proſecute for the ſame, (except where ſuch Offences are preſented by a Grand Jury, in which caſe, the whole forfeiture to be to the uſe of the Town.) And every Juſtice of the Peace within his Precincts is hereby impowred to hear and determine concerning any of the Offences aforeſaid, and to reſtrain and commit the Offender to Priſon, until he pay and ſatisfie the penalty or forfeiture, or otherwiſe by Warrant cauſe the ſame to be levied by Diſtreſs and Sale of the Offenders Goods.

Juſtice of the Peace his power.

And be it further Enacted by the Authority aforeſaid, That before any perſon ſhall receive Licence to be an Inn-holder, common Victualler, Taverner or Retailer, every ſuch perſon ſhall become bound by Recognicance to His Majeſty, in the Sum of *Ten Pounds* the Principal, and two Sureties in *Five Pounds* a piece, before one or more of the Juſtices of the General Seſſions of the Peace, *On Condition following.*

No Inn-holder &c. to receive Licence before entring into Recognicance.

That is to ſay,

THE Condition of this Recogniſcance is ſuch, That whereas the above-bounden *A. B.* is admitted and allowed by the Juſtices of the Court of General Seſſions of the Peace, to keep a Common Inn, Ale-houſe or Victualling houſe, and to uſe common Selling of Wine, Beer, Ale, Cyder, and other ſtrong Liquors by Retail for the ſpace of one whole year next enſuing, and no longer, in the now Dwelling-Houſe of the ſaid *A. B.* in *C.* commonly known by the Sign of and no other: If therefore the ſaid *A. B.* during the time aforeſaid ſhall not permit, ſuffer or have any playing at Dice, Cards, Tables, Quoits, Loggets, Bowles, Shuffle-board, Nine pins, Billiards, or any other unlawful Game or Games, in his Houſe, Yard, Garden, Back-ſide, or any of the Dependencies threof, nor ſhall ſuffer to be or remain in his Houſe any perſon or perſons, (not being of his ordinary Houſhold or Family) on the Lords-Day or any part thereof, contrary to Law, nor ſhall Sell any Wine, Liquors or other Strong Drink to any Apprentices, Servants, Indians or Negro's, nor ſhall ſuffer any perſon or perſons to be there Tipling, Drinking, or continue there after nine of the Clock in the night time, or otherwiſe contrary to Law. And in his ſaid Houſe, ſhall and do uſe, maintain and uphold good order and rule, and do endeavour the due Obſervance of the Laws, made for Regulation of ſuch Houſes. Then this preſent Recogniſcance to be void, but on default thereof, to abide and remain in full force and virtue.

Recogniſcance for Innholders, &c.

And before any perſon ſhall receive Licence to Retail any Wine or ſtrong Liquors to be ſpent out of Doors, and not otherwiſe, ſuch perſon ſhall become bound by Recogniſcance as aforeſaid, *On Condition following.*

That is to ſay,

THE Condition of this Recogniſcance is ſuch, That whereas the above bounden *A. B.* is Licenſed and allowed by the Juſtices of the Court of General Seſſions of the Peace, to Retail for the ſpace of one whole year next enſuing, and no longer, out of his now Dwelling-Houſe in *C.* *Sort of Strong Liquors,* to be ſpent out of Doors and not otherwiſe: If therefore the ſaid *A B.* ſhall not entertain or ſuffer any perſon or perſons to ſit Drinking or Tipling in his Houſe, Cellar, Back-ſides, or any of the Dependencies of ſaid Houſe, nor ſhall Sell any other ſort of drink than what he is Licenſed for as above-ſaid. And ſhall and do in and by all things obſerve the directions of the Law relating to perſons Licenſed for Retailing out of Doors only. Then this preſent Recogniſcance to be void, but on default thereof to abide and remain in full force and virtue.

Recogniſcance for Retailers out of doors.

For each of which aforeſaid Recogniſcances the party to whom ſuch Licence

cence ſhall be granted, ſhall pay *Two Shillings*, to be divided betwixt the Juſtice and the Clerk.

And for the better inſpecting of Licenſed Houſes, and the diſcovery of ſuch perſons as ſhall preſume to Sell without Licence.

Tythingmen to be annually choſen.

Be it Enacted by the Authority aforeſaid, That the Select-men in each Town reſpectively ſhall take due care, That Tything men be annually choſen at the General Meeting for Choice of Town Officers as is by Law provided, and upon any vacancy to fill up the number at any other Town Meeting: Which Tything men ſhall have power, and whoſe Duty it ſhall be carefully to inſpect all Licenſed Houſes, and to inform of all diſorders or miſdemeanours which they ſhall diſcover or know to be committed in them or any of them to a Juſtice of the Peace, or Seſſions of the Peace within the ſame County, as alſo of all ſuch as ſhall Sell by Retail, without Licence, and other diſorders or miſdemeanours committed in any ſuch Houſe; and in like manner to preſent or inform of all idle and diſorderly perſons, prophane Swearers or Curſers, Sabbath breakers, and the like Offenders, to the intent ſuch Offences and Miſdemeanours may be duly puniſhed and diſcouraged: Every of which Tything men ſhall be Sworn before a Juſtice of the Peace, or at the Seſſions of the Peace, to the faithful diſcharge of his Office in manner following.

Tythingmen their Power and duty.

That is to ſay,

Oath.

YOU A. B. *being Choſen a Tything-man within the Town of* C. *for one year next enſuing, and until another be Choſen and Sworn in your ſtead*: Do Sweat, *That you will faithfully endeavour and intend the Duty of your Office* So help you God.

Staff.

Which Tything men ſhall have a black Staff of two foot long, tipt at one end with braſs about three inches, as a badge of their Office, to be provided by the Select men at the Charge of the Town.

And be it further Enacted by the Authority aforeſaid, That if any perſon being duly Choſen to the ſaid Office, ſhall refuſe to take his Oath, or Serve therein, he ſhall forfeit and pay the Sum of *Forty Shillings* to the uſe of the Poor of the Town whereto he belongs, upon Conviction of ſuch refuſal before the Juſtice of the Peace, or Seſſions of the Peace where he is Summoned to be Sworn, Certificate being produced under the Hand of the Town Clerk, that ſuch perſon was legally Choſen to that Office. And the ſaid Forfeiture to be Levied by Diſtreſs and Sale of ſuch perſons Goods, by Warrant from a Juſtice of the Peace, or Seſſions of the Peace reſpectively, and delivered to the Town Treaſurer or Overſeers of the Poor, for the uſe aforeſaid. And for want of ſuch Goods whereon to make Diſtreſs, the Officer in the ſaid Warrant ſhall be required to Seiz the Body of the Offender, and him commit unto Priſon, to be there kept, until he ſhall anſwer and pay the ſaid Fine or Forfeiture, with the Charges of levying the ſame.

Penalty for not ſerving.

And all Tything-men that ſhall inform and proſecute for the breach of any penal Act, ſhall have the benefit of ſuch part of the Forfeiture as does by Law accrue unto the Informer. And all perſons proſecuted for breach of any Act relating to Retailing without Licence, the penalty whereof for one Offence exceeds not *Forty Shillings*, beſides Charges, may be convicted by two ſingle Evidences upon Oath, though but one to one breach of ſuch Act, ſo as both the breaches be within one month, the perſon accuſed or complained of not plainly and poſitively denying the Fact.

Tythingmen allowed the benefit of Informers.

And be it further Enacted by the Authority aforeſaid, That every perſon to whom any Licence ſhall be granted, before the receiving or exerciſing

of

of the ſame, over and above the Recogniſcance required for the due obſervation of the Laws, and keeping of good Rule and Order as aforeſaid, ſhall alſo become bound unto His Majeſty in a diſtinct Recogniſcance, with ſufficient Sureties, in manner as aforeſaid, and in ſuch Sum as the Juſtices in Seſſions ſhall appoint. On Condition that the perſon ſo Licenſed ſhall duly and truly pay the Duties of Exciſe for his Draught, according to the Rates by Law Eſtabliſhed, or otherwiſe perform ſuch Agreement for the ſame as ſhall be made with the Officer or Officers, that ſhall from time to time be appointed to agree for, and receive the ſaid Duties. For which Recogniſcance he ſhall pay the like Fee before-mentioned.

Licenſed perſons alſo to enter into Recogniſcance, for paying their Exciſe.

And be it further Enacted, That for the future the time of granting of Licences to Inn holders and Retailers of Drink, ſhall be at the firſt General Seſſions of the Peace that ſhall be held and kept in courſe within the ſeveral Counties at or next after the nine and twentieth day of *June* annually; and that ſuch as have already obtained Licences, ſhall hold them (unleſs they forfeit the ſame by breach of Law) until the General Seſſions of the Peace to be held in the reſpective Counties as aforeſaid, next after the nine and twentieth day of *June*, One Thouſand Six Hundred Ninety Nine: Any Law or Uſage to the contrary notwithſtanding.

Licence to be granted at the next General Seſſions of the Peace, after the 29 of *June* annually.

And the better to prevent Nurſery's of Vice and Debauchery.

It is further Declared, That the Juſtices of the General Seſſions of the Peace in each County reſpectively, be, and hereby are directed not to Licence more perſons in any Town or Precinct to keep Houſes for common Entertainment, or to Retail Ale, Beer, Cyder, Wine or ſtrong Liquors within or out of doors, than the ſaid Juſtices ſhall judge neceſſary for the receiving and refreſhment of Travellers and Strangers; and to Serve the publick occaſions of ſuch Town or Precinct, having regard to the Law for the Qualification and Approbation of the perſons ſo to be Licenſed. And all Publick Houſes ſhall be on or near the high Streets, Roads, and places of great Reſort.

No more perſons to be Licenſed to keep Publick houſes, than what are neceſſary for refreſhment of Travellers, *&c.*

And be it further Enacted by the Authority aforeſaid, That the Clerk of the Inferiour Court of Common Pleas in each ſeveral County; And the Clerk of the Superiour Court of Judicature reſpectively, by direction of the Court from time to time, ſhall by Writ of *Scire Facias* proſecute to effect all ſuch Recogniſcances as ſhall be taken in Court, or before any Juſtice, whereof default is or ſhall be made in not performing the Condition of the ſame. And upon Execution awarded, to make out ſuch Execution unto the Sheriff of the County, or his Deputy; who are accordingly to Levy the Sum therein expreſſed; and to account for the Monies or Eſtate Levyed for Satisfaction thereof, unto the Treaſury, as by Law he is obliged. And no Recogniſcance for the keeping of good Rule and Order in publick Licenſed Houſes, or for Retailing out of doors, ſhall be put in Suit for any breach thereof made, after the Expiration of two years from the time of taking ſuch Recogniſcance.

Publick houſes to be on high-ſtreets, *&c.*

Clerks of the ſeveral Courts to put in ſuit Recogniſcances.

An

An Act for the Relief and Releaſe of poor Priſoners for Debt.

BE it Enacted and Declared by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for any Juſtice of the Peace by Warrant under his Hand and Seal, to require the Goaler or Keeper of any Priſon within his Juriſdiction, from time to time to bring without delay the Body of any perſon being in Priſon for Debt or Damages upon Execution (and petitioning ſuch Juſtice to be diſcharged) to ſome convenient place not exceeding the diſtance of one mile from the ſaid Priſon, and to certifie the cauſe and cauſes of the Impriſonment before the ſame Juſtice, which Warrant every ſuch Goaler and Keeper is hereby commanded to obey.

Juſtices of Peace on the Petition of Priſoners for Debt to Adminiſter an Oath to them.

And in caſe ſuch Priſoner coming before ſuch Juſtice ſhall take an Oath to this Effect, *viz.*

Oath.

I A. B. *do upon my Oath ſolemnly profeſs and declare before Almighty God, That I have not any Eſtate real or perſonal in poſſeſſion, reverſion or remainder of the value of* Ten Pounds *in the whole or ſufficient to pay the Debt or Damages, for which I am Impriſoned, and that I have not directly or indirectly Sold, Leaſed or otherwiſe conveyed, diſpoſed of or entruſted all or any part of my Eſtate thereby to ſecure the ſame, to receive or expect any profit or advantage thereof, to defraud or deceive any Creditor or Creditors whatſoever, to whom I ſtand Indebted.*

Notice of ſuch Oath being taken to be given to the Creditor.

Then after the taking of ſuch Oath the ſaid Juſtice ſhall Remand the Priſoner to Priſon, and ſhall give a Certificate thereof in Writing under his Hand and Seal to the ſame Priſoner, to be Served upon ſuch perſon or perſons, his or her Executors or Adminiſtrators, or to be left at the place of the uſual abode of ſuch perſon or perſons, at whoſe Suit the Priſoner ſtandeth charged and impriſoned, thereby appointing as well the ſaid perſon or perſons as the ſaid Priſoner to appear before the Juſtice at the next General Seſſions of the Peace, to be holden for the ſame County. And if it ſhall then appear upon Oath, (which Oath the ſaid Juſtices are impowred to adminiſter) that the ſaid Certificate was ſo ſerved or left fifteen dayes or more before the ſaid Seſſions, and that the ſaid Oath taken by ſuch Priſoner, be not diſproved by good teſtimony of any credible perſon or perſons upon Oath to be adminiſtred by the ſaid Juſtices by virtue of this Act. Then the ſaid Juſtices being ſatisfied therein, ſhall direct their Warrant under their Hands and Seals to the ſaid Goaler or Keeper of the Priſon, Commanding him to ſet at liberty, and diſcharge the ſaid Priſoner, if impriſoned for the Cauſes aforeſaid, and no other, without paying any thing for Fee or Chamber Rent, which Warrant ſhall be a ſufficient diſcharge to the ſame Goaler or Keeper of Priſon, and no Action of Eſcape, or other Action ſhall be brought againſt ſuch Juſtice or Juſtices, Goaler or Keeper of Priſon for the ſame in any wiſe, and upon any ſuch Action or Suit brought, he or they may plead the general iſſue, and give this Act in Evidence, which ſhall be a good and ſufficient Diſcharge, and ſhall ſave harmleſs every ſuch Juſtice or Juſtices, Goaler or Keeper, pleading the ſame. And if the Plaintiff in any ſuch Action, ſhall be Non-ſuited, or Verdict paſs againſt him, the Defendant ſhall have double Coſts to be taxed by the Court where ſuch Action is brought.

Court of General Seſſions to ſet at liberty poor priſoners for Debt.

Provided

Creditors to make an allowance for the maintainance of ſuch Priſoners for Debt, as they ſhall deſire to be continued in priſon, notwithſtanding their having taken the Oath as aforeſaid.

Provided always, and be it Enacted by the Authority aforeſaid, That when ſuch Priſoner or Priſoners for Debt ſhall have legally taken the ſaid Oath in this Act propoſed to be taken, and ſhall have duly Summoned his or their Creditor or Creditors, if ſuch Creditor or Creditors after the ſaid fifteen days time ſhall make no diſcovery of any Eſtate of ſuch Priſoner or Priſoners, nor diſprove the ſaid Oath, and detect him or them of forſwearing him or themſelves, and notwithſtanding will not be ſatisfied therewith (that the ſaid Priſoner or Priſoners may be ſet at liberty) or will inſiſt to have the ſaid Priſoner or Priſoners continued in Goal. Then the ſaid Creditor or Creditors ſhall at his and their own Coſts and Charges allow and pay weekly a reaſonable maintainance to the ſaid Priſoner or Priſoners themſelves, ſuch as the ſaid Juſtices ſhall order and appoint, not exceeding *Two Shillings* and *Six pence* a week, and upon non-payment of the ſame weekly, the ſaid Priſoner or Priſoners ſhall be ſet at liberty, according to the true intent and meaning of this Act. And if within the ſpace of three months after ſuch weekly allowance by any Creditor, no Eſtate of the Priſoner ſhall be diſcovered or made out before two Juſtices of the Peace of that County where the ſaid Priſoner is kept in Priſon, then the ſaid Priſoner ſhall forthwith be diſcharged by Warrant under the Hands and Seals of any two Juſtices of the Peace in the County where the ſaid Priſoner ſhall be ſo in Priſon, to the Keeper of ſuch Priſon in that behalf directed, as fully and amply as if ſuch Priſoner had been diſcharged by the Juſtices of the Peace, at the General Seſſions of the Peace, as is herein before directed, and from thenceforth the ſaid weekly allowance ſhall ceaſe and determine, as if the ſame had never been made.

The Priſoner upon default of having ſuch maintainance allowed him to be ſet at liberty.

Penalty on Priſoners convicted of falſe Swearing.

Provided alſo, That if at any time after the taking of the aforeſaid Oath, the ſaid Priſoner or Priſoners ſhall upon any Indictment or Indictments, or by his or their own confeſſion or verdict of twelve men, be convicted of falſe Swearing in any point or article contained in the ſaid Oath, then ſuch Priſoner or Priſoners ſo convicted as aforeſaid, ſhall ſuffer the pains and forfeitures as by Law are to be inflicted upon any perſon convicted of wilful Perjury. And alſo the Court by Proceſs out of which the Priſoner was impriſoned, ſhall award a new Proceſs directed to the Sheriff or his Deputy of ſuch County, and ſhall remand the ſaid Priſoner into the Priſon whence he or ſhe was diſmiſſed, there to remain in Execution in ſuch manner and condition as he or ſhe was before his or her ſaid Enlargement, and then and from thenceforth ſhall be adjudged to be in Execution fully, as if he or ſhe had never been diſcharged thereof. And the Execution and Executions upon his or her Lands, Tenements, Hereditaments, Goods and Chattels, if any ſuch happen to be, after his or her ſaid Diſcharge out of Priſon, and before he or ſhe ſhall be remanded, ſhall ſtand alſo good and effectual in Law. Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Judgments againſt the Lands &c. of any Priſoner to ſtand good notwithſtanding his diſcharge upon taking the Oath aforeſaid.

Provided alſo, And be it further Enacted by the Authority aforeſaid, That notwithſtanding the diſcharge of the perſon of ſuch Priſoner as aforeſaid upon taking the Oath aforeſaid, all and every Judgment had and given againſt him or her, ſhall be and ſtand good and effectual in Law to all intents and purpoſes againſt the Lands, Tenements, Goods and Chattels only, of the ſaid Priſoner ſo diſcharged as aforeſaid; and it ſhall, and may be lawful, to and for ſuch Creditor of ſuch Priſoner or Priſoners ſo diſcharged as aforeſaid, his Executors, Adminiſtrators or Aſſigns, to take out any new Execution againſt the Lands, Tenements, Hereditaments, Goods and Chattels of ſuch Priſoner or Priſoners (his or her wearing Apparel, Bedding for him and his, or her Family, and Tools neceſſary for his or her Trade and Occupation only excepted) for the ſatisfaction of his or their ſaid Debt, in ſuch ſort, manner and form as he or they might have

have done if the perſon or perſons of ſuch Priſoner or Priſoners had never been taken in Execution. Any Law or Cuſtom to the contrary notwithſtanding.

Penalty on any Goaler refuſing to ſet any Priſoner at liberty when duly required.

Provided alſo, in caſe any Goaler or Keeper of Priſon ſhall refuſe or delay to bring or diſcharge and ſet at liberty any Priſoner according to the order of the Juſtice or Juſtices, to be made in manner as aforeſaid. Every ſuch Goaler or Keeper of Priſon ſhall forfeit and pay to ſuch Priſoner detained contrary to ſuch Order, the Sum of *Twenty Pounds*, to be recovered by Action of Debt in any Court of Record, and ſhall alſo be ſubject to ſuch Fine and puniſhment as the ſaid Juſtices of the Peace ſhall upon Complaint thereof to them made, order and award.

No perſon to be diſcharged that hath not been in Priſon one month, *&c.*

Provided alſo, and be it further Enacted, That no perſon ſhall be diſcharged by this Act that hath not or ſhall not before ſuch Oath made, have remained in Priſon by the ſpace of one month, nor ſhall any perſon be diſcharged by this Act, who ſhall ſtand charged in Execution, with more than the Sum of *Five Hundred Pounds* to any one perſon, principal money and damages.

Creditor not obliged to maintain Priſoners having able Relations.

Provided alſo, That no Creditor inſiſting to have his Debtor continued in Priſon, ſhall be bound to make any weekly allowance for the ſubſiſtance of the Priſoner where the Father, Mother, Son or Daughter, or other perſon who by the Law of this Province, are bound to maintain him in diſcharge of the Town, if he were at large, are of ſufficient ability to maintain ſuch Priſoner.

Debtors uſed to labour, *&c* to ſatisfy their Debts by Service, if deſired by the Creditor.

And if any Creditor inſiſting to have his Debtor continued in Priſon, and ordered to make allowance towards his maintainance, ſhall deſire to have his Debtor, (being a perſon formerly uſing any Handicraft or day labour, and not having a Wife or Family) to ſatisfie ſuch Debt by Service; the Juſtices at the General Seſſions of the Peace within the ſame County, ſhall direct and order the Term for which ſuch Debtor ſhall Serve, and the Creditor ſhall and hereby is impowred to detain and hold him in Service, during ſuch Term.

Provided alſo, That this Act ſhall not extend to any perſon or perſons in Execution for any Fine on him or her impoſed.

Perſons liable to anſwer the Debt of any Priſoner, not to be freed therefrom by the Diſcharge of the Priſoner.

And be it further Provided and Enacted, That the diſcharge of any perſon or perſons by virtue of this Act, ſhall not amount unto or be conſtrued to free or diſcharge any other perſon or perſons joyntly or ſeverally bound for, or liable to anſwer or ſatisfie the ſaid Debt, or any part thereof, either as Principal or Surety, but that ſuch other perſon or perſons ſhall be liable to anſwer the ſaid Debt and Damages in ſuch manner to all intents and purpoſes, as they were before the diſcharge of ſuch Priſoner.

Priſoners when diſcharged to give in a Schedule upon Oath of Debts, *&c.* to them owing.

Provided alſo, That no Priſoner ſhall be diſcharged by virtue of this Act, until he ſhall before the Juſtices of the Peace, who are by this Act impowred to diſcharge him; declare upon his Oath (which Oath the ſaid Juſtices are hereby impowred to adminiſter) what Effects are belonging to him, or what Debt or Debts are then owing to him within any of His Majeſties Dominions or elſewhere, and by whom, and for what cauſe, and upon what ſecurity; of all which a Schedule ſhall be made in the preſence of ſuch Juſtices, and ſubſcribed by the Priſoner, and ſhall be by ſuch Juſtices returned to the next Seſſions, there to be kept for the better Information of the Creditors of ſuch Priſoner, who or ſuch of them as will joyn may thereupon Sue for ſuch Debt, or ſo much thereof, as will reaſonably ſatisfie them in the name of the Priſoner, and after the ſame recovered, to render the Overplus (their own Debts and Charges ſubducted) to the Priſoner.

An Act for Explanation and Addition to the Act for Regulating of Fences, Cattle, &c.

FORASMUCH *as in and by an Act of this Province, Entituled,* An Act for Regulating of Fences, Cattle, *&c. made and paſſed in the Fifth Year of the Reign of His preſent Majeſty, and His late Royal Conſort, Queen* Mary, *of bleſſed Memory, amongſt other things therein contained.* It is Enacted, *That in every Town and Peculiar within this Province, there be annually Choſen by the Inhabitants thereof, two or more meet perſons to be viewers of Fences; but no penalty provided by the ſaid Act, in caſe the perſons ſo Choſen refuſe to accept thereof.*

Be it therefore Enacted and Declared by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That every meet perſon that ſhall hereafter be choſen a Viewer of Fences within any Town, or Peculiar in this Province, Refuſing to accept thereof, or to be Sworn to the faithful diſcharge of that Office, ſhall forfeit and pay to the uſe of the Poor of ſuch Town or Peculiar, the Sum of *Twenty Shillings*, and another ſhall be forthwith choſen in his room. And every perſon from time to time, choſen and ſworn to the ſaid Office, upon due notice given him, and being requeſted by any perſon or perſons intereſted to view any inſufficient and defective Fence in and about any general or common Field, or in and about any particular Field or Incloſure, ſhall forthwith attend the ſame: On pain of forfeiting the Sum of *Twenty Shillings*, one moiety thereof to the uſe of the poor of the Town or Peculiar, and the other Moiety to him that ſhall inform or ſue for the ſame. And each Fence Viewer ſhall be allowed *Three Shillings* a day, and proportionably for half a day, and under that *Six pence* an hour for his time ſpent in viewing of any Fence or Fences, to be paid him by the party that ſets him on work, who ſhall be reimburſt the ſame by the Owner or Owners of the defective Fence. And when and ſo often as it ſhall happen, any Fence to be broken or fal'n down, or to be otherwiſe defective, the Owner or Occupant of the Land to which ſuch Fence belongs, upon notice thereof given him ſhall forthwith repair the ſame. And in caſe he refuſe or neglect ſo to do, the Fence Viewers ſhall cauſe the ſame to be ſufficiently repaired as the Law directs. And all diviſional Fences betwixt man and man ſhall be kept up in good repair for the whole year, unleſs the Proprietors of the Lands ſhall otherwiſe agree.

Penalty for not Serving as a Fence Viewer.

Penalty for not attending his duty.

Allowance.

And be it further Enacted by the Authority aforeſaid, That for the better enabling of the Fence Viewers to diſcharge their Duty according to the true intent of the Law, It ſhall and may be lawful to and for any Fence Viewer by Warrant from the next Juſtice of the Peace, or Select men, (in ſuch Towns where no Juſtice dwells) or the major part of them, who are hereby reſpectively impowred to make out ſuch Warrant, to impreſs Workmen and Teams for the ſpeedy repairing and making up of Fences that are defective or wanting; paying double the uſual and accuſtomed Rates for ſuch Teams and Workmanſhip and to the Fence Viewer for his time, to be adjuſted and determined by the Select men, and to be by him recovered againſt the Owner or Occupier of the Land about which ſuch Fence is ſet down or repaired, in manner as the Law directs.

Fence Viewers to be impowred by a Warrant to impreſs Workmen, &c.

Fence of common fields to be maintained by the Proprietors in proportion.

And be it further Enacted by the Authority aforeſaid, That every party intereſted in any common or general Field ſhall from time to time make and maintain his juſt and due part and proportion of the Fence for encloſing the ſame according to his intereſt therein, in ſuch manner as hath or ſhall be agreed on by the major part of the Propriety, the whole being duly warned and met to order the ſame, and the Orders ſo made ſhall be binding and obliging upon the Proprietors abſent. And a third part of the Propriety in ſuch common or general Field, ſhall and may call and ſummon a Meeting of the whole from time to time, as there ſhall be cauſe.

And no Proprietor in any ſuch Field ſhall put or cauſe to be put any Beaſt, Cattle or Sheep thereinto, over and above the number allowed him, or keep them longer there than the time ſet and limited by the major part of the Propriety or Intereſted, on penalty of anſwering double the damages that ſhall happen or accrue thereby, to be recovered in any Court proper to try the ſame.

Partition Fences to be maintained by the Proprietors in equal halves.

And it is further Enacted, That all partition Fences betwixt Lands under improvement, ſhall be made and maintained from time to time in equal halves by the Owners or Proprietors of ſuch Lands reſpectively. And in caſe any Proprietor of Land ſhall improve his Land (the Land adjoyning not being under improvement) and ſo make the whole partition Fence; When and ſo ſoon as the Owner or Proprietor of the adjoyning Land ſhall alſo improve his, he ſhall pay for the one half of ſuch partition Fence, according to the value thereof at that time, and keep up and maintain his half part thereof from thenceforward; But if either of ſuch Proprietors adjoyning do ceaſe to make improvement of his Land, he that continues ſo to do, ſhall have liberty to purchaſe the other part of ſuch partition Fence, as it ſhall then be valued to be worth, by perſons indifferently choſen by each party for that purpoſe: And in caſe any perſon improving as aforeſaid, ſhall neglect or refuſe to make and maintain one half of the partition Fence betwixt his Land and the Land next adjoyning, the Owner or Proprietor of ſuch Land adjoyning, ſhall be liable to a Suit, and to have recovered of him in any Court proper to try the ſame, the full value of the one half of ſuch partition Fence, according to Eſtimation thereof upon apprizement, by the other party who makes and maintains the whole Fence, together with his damage ſuſtained by ſuch neglect or refuſal as aforeſaid: Saving always to every perſon & perſons any particular Agreement or Agreements touching the making and maintaining of ſuch diviſional Fence between their Lands.

Fines & Penalties where to be recovered

All Fines, Penalties, Forfeitures or Payments accruing by virtue of this Act from time to time to be had, ſued for and recovered in any Court proper to try the ſame.

Proviſo for houſe Lots not exceeding ten acres.

Provided, This Act ſhall not extend to Houſe Lots not exceeding ten acres, but if the Owner or Owners of ſuch Lots ſhall improve, his Neighbour ſhall be compellable to make and maintain one half of the Fence between them, whether he improve or not.

Major part of the Propriety in any general field to lay down the ſame at pleaſure.

Provided alſo, That it ſhall and may be lawful, to and for the major part of the Intereſts or Propriety in any common or general Field, to diſſolve and lay down the ſame at pleaſure; All the Proprietors being firſt duly warned, and there being ſix months time given before any ſuch Field is laid down.

An Act to prevent Default in the appearance of Jurors.

WHEREAS *the Iſſues or Fine ſet upon Jurors for default of appearing and attending the Service of the ſeveral Courts of Juſtice within this Prrvince whereto they are reſpectively Summoned, is by Law limited unto* Twenty Shillings; *whereby perſons moſt able, and ſufficient oft times decline the Service, chooſing rather to incur and undergo ſo ſmall a penalty; which may prove a general inconvenience, and tend greatly to the damage of particular perſons in caſes of the greateſt moment and concern.*

For Remedy whereof,

Be it Declared and Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Juſtices of the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, and the Juſtices of the General Seſſions of the Peace, and of the Inferiour Court of Common Pleas reſpectively, to ſet reaſonable Fines upon Jurors duly returned to Serve in the ſaid ſeveral Courts, and making default, at the diſcretion of the ſaid Juſtices, not exceeding the Sum of *Forty Shillings* each; And to cauſe the ſame to be Levyed. Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

An Act Eſtabliſhing of Sea Ports within this Province, and for aſcertaining the Fees for entring and clearing of Veſſels inward and outward bound.

FOR *the better preventing of undue and unlawful Trading, and of Frauds and Abuſes in the Duties and Impoſitions that are or ſhall be laid upon all Goods, Wares or Merchandizes, Wines, Liquors, or other Commodities that ſhall be Imported or Exported out of this Province, as alſo for the remedying and preventing the demanding or taking of exceſſive and unallowed Fees.*

Be it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That the Maritime Towns and places hereafter named, and no other ſhall be held, deemed and adjudged to be lawful Ports within this Province: *That is to ſay, Boſton,* (of which *Charlſtown* is to be accounted a Member) *Salem,* (whereof *Marblehead* is to be accounted a Member) *Ipſwich, Newbury* (of which *Saliſbury* is to be accounted a Member,) *Kittery, Plimouth* and *Swanſey*: At every of which aforeſaid Ports, an Office ſhall be held and kept for the Entring and Clearing of all Ships and other Veſſels Trading to or from this Province, to be called and known by the name of the Naval Office, as hath been heretofore accuſtomed; and at one of the Ports aforeſaid, or ſome Member thereof, and not elſewhere, all Ships or other Veſſels Trading to or from this Province, ſhall Lade and Unlade all Goods, Commodities, Wares and Merchandizes whatſoever, which they ſhall Import or Export. Ports. For Lading & unlading.

port. And that an Office be held and kept at *Marthas Vineyard*, and another at *Nantuckett*, to Enter and Clear all Veſſels paſſing to and from thence, but not to be accounted Ports for the Unlivery or Lading of any of the Enumerated Commodities.

And be it further Enacted by the Authority aforeſaid, That the Fees in the ſaid Office to be demanded and received, ſhall be theſe following, and no other, *viz.*

Fees.

For entring all Ships and Veſſels Trading to this place from abroad (excepting from the Provinces or Colonies of *Penſilvania, New-York, Eaſt* and *Weſt Jerſeys, Connecticut, Rhode-Iſland, Narraganſet*, and *New Hampſhire*,) *One Shilling.*	00	01	00
For Examining and Recording Certificates that Bonds are given according to the Act of Navigation. *Two Shillings.*	00	02	00
For a Bond given according to the Act of Navigation, *Two Shillings.*	00	02	00
For Clearing and Certificate of the Lading. *Two Shillings Six pence.*	00	02	06

For all Veſſels Trading to and from the Provinces or Colonies of *Penſilvania, New York, Eaſt* and *Weſt Jerſey, Connecticut, Rhode Iſland, Narraganſett* and *New Hampſhire, Four Shillings per* year, or *Six pence* entry and *Sixpence* clearing, each Voyage at the Maſters choice.

Penalty for taking exceſſive Fees, and illegal delay of Entry and Clearing.

And be it further Enacted by the Authority aforeſaid, That if any perſon imployed in any of the ſaid Offices ſhall demand or take any other or greater Fees than by this Act are now made due, or ſhall illegally delay and defer the Entring and Clearing any Ship or other Veſſel, ſuch Officer ſhall be liable to double Coſts and Damages, being thereof duly convicted in any of His Majeſties Courts of Record within this Province.

ACTS

ACTS and LAWS

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts Bay* in *New-England*. Begun and Held at *Boſton*, the Twenty-fifth Day of *May*, 1698. And continued by Prorogation until the Fifteenth of *November* following.

An Act for Regulating and Inſpecting the Building of Ships.

FORASMUCH as the Building of Ships is a buſineſs of great Importance for the common good, and not only the ſafety of mens Eſtates, but Lives are nearly concerned in the well and orderly performing of the ſame. And foraſmuch as Builders and Workmen imployed under them, are oft times remiſs and negligent of their Duty in that regard, as has been found by experience; and it being therefore neceſſary and agreeable to the courſe and practice of His Majeſties Kingdom of England; *That ſuitable proviſion be made, and effectual care taken therein.*

Be it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That when and ſo often as any Ship or Veſſel of Thirty Tuns or upwards, is to be built and ſet up in any Town or Place within this Province, before any Plank be brought on, the Carpenter or Undertaker ſhall repair unto one of the Juſtices of the Peace within the ſame County, who, upon requeſt made is hereby impowred to appoint and authorize one or more able Shipwrights to be Overſeers and Surveyers of the ſaid Building, and of all the materials and workmanſhip to be improved, made uſe of, done and to be done to, on and about the ſame from time to time, as often as the Carpenter or Undertaker ſhall ſee cauſe to call them thereto, and eſpecially at ſuch times as in and by this Act is hereafter directed and appointed; *That is to ſay,* Every Tear of Timbers ſhall be Surveyed before they be incloſed or covered with Plank, and the Floor Timbers before the Kealſon be bolted down; The Beams and Timbers for the Decks ſhall be Surveyed after laying, before any Plank be faſtned on, and the Bottom to be Surveyed before Calking: Which Overſeers and Surveyers to be appointed as aforeſaid, ſhall take care that all the materials in ſaid Building be ſound, ſufficient and ſuitable for the occaſion, and that the works be done and performed ſtrong, ſubſtantial and in workman like manner, according to the Rules of the Shipwrights art; and that all Trunnels be not only ſound and well ſeaſoned, but alſo without Sap. And ſhall have a particular care and regard that ſuch Ship or Veſſel be well Calked, and not to allow any Timber or Plank of Oak to be uſed there in, other than white Oak, and ſhall direct that all inſufficient Materials be taken out, and that defective Workmanſhip be amended.

Warrant to be obtained & Survey made before Planking.

Special times for a Survey.

No Timber or Plank of Oak, other than white Oak to be uſed.

And the Surveyers and Overſeers to be appointed as aforeſaid, ſhall have an Oath Adminiſtred unto them to be faithful and indifferent between the Carpenter or Builder, and the Undertaker, and to obſerve the directions given them by this Act.

Surveyers to be Sworn.

And be it further Enacted by the Authority aforeſaid, That if any Carpenter or Builder ſhall bring to, and faſten any Plank upon any Ship or Veſſel of the burthen aforeſaid, before a Warrant of Survey be obtained as aforeſaid, and the Surveyers and Overſeers have been to view the Frame;

Penalty on Builders neglecting to have a Survey

Every ſuch Carpenter or Builder offending herein, ſhall forfeit and pay the Sum of *Ten Pounds*: One Moiety thereof unto His Majeſty, for and towards the Support of the Government of this Province, and the contingent Charges thereof, and the other Moiety to him or them that ſhall inform and ſue for the ſame, by Bill, Plaint or Information in any of His Majeſties Courts of Record within this Province.

Builders penalty for not attending the advice of the Surveyers.

And if any Carpenter or Builder upon the advice and direction of ſuch Surveyers or Overſeers ſhall neglect to take out, reform and amend what is judged by them to be defective or amiſs in any materials or workmanſhip, he ſhall forfeit and pay the Sum of *Five Shillings Per Diem*, to the uſe of the Poor of that Town where ſuch Ship or Veſſel ſhall be in Building, until the defects be amended; being convicted of ſuch neglect before one or more Juſtices of the Peace, or before the Court of General Seſſions of the Peace, unleſs ſuch Juſtice or Court upon hearing of the Carpenter or Builder ſhall ſee cauſe to allow him ſome further reaſonable time for doing of the ſame.

Overſeers allowance.

And be it further Enacted by the Authority aforeſaid, That when any Surveyers and Overſeers are called upon by the Carpenter or Unkertaker reſpectively to Survey the work or materials as is provided in this Act; Every ſuch Surveyer or Overſeer ſhall have for his care and attendance when called, *Three Shillings* for every Survey; Which Charge of Surveying is to be born by the Carpenter when he is in fault or defective; But when the Carpenter is not in fault, then by the Undertaker. And when the Surveyers or Overſeers ſhall give their advice or judgment on or about any work unfiniſhed, that the ſame is faulty or defective, the Carpenter ſhall not thereby incur the Charge of Surveying, but only when the Surveyers or Overſeers ſee reaſon to direct the taking out or ſhifting any Timber or Plank.

And in caſe the Surveyers and Overſeers are occaſioned to Travel out of Town for the Surveying any Ship or Veſſel in Building, they ſhall be further allowed for their time and neceſſary Charge.

An Act in Addition to, & Explanation of the Act againſt Adultery and Polygamie, made in the Sixth Year of the Reign of King *William* and Queen *Mary*.

WHEREAS *in the Act Entituled*, An Act againſt Adultery and Polygamie, *It is provided in theſe words*; **Provided always that this Act or any thing therein contained ſhall not extend to any perſon or perſons whoſe Husband or Wife ſhall be continually remaining beyond the Seas by the ſpace of** Seven Years **together; or whoſe Husband or Wife ſhall abſent him or her ſelf the one from the other by the ſpace of** Seven Years **together, in any part within Their Majeſties Dominions or elſewhere, the one of them not knowing the other to be Living within that time.** *Which Limitation of* Seven Years *is in ſome Caſes found to be Exceſſive and Inconvenient.*

Therefore for the better preventing the Violation of the Seventh Commandment, and for obtaining the Bleſſings God is wont to beſtow upon the Keepers of the ſame.

Be

Be it Enacted and Declared by the Lieutenant Governour, Council and Repreſentatives Convened in General Aſſembly: And it is Enacted and Declared by the Authority of the ſame, That if any married perſon, Man or Woman, has lately or ſhall hereafter go to Sea in any Ship or other Veſſel bound from one Port to another where the Paſſage is uſually made in three months time; and ſuch Ship or other Veſſel has not been, or ſhall not be heard of within the ſpace of Three full Years next after their putting to Sea from ſuch Port; or ſhall only be heard of under ſuch circumſtances, as may rather confirm the opinion commonly received of the whole Companys being utterly loſt: In every ſuch caſe, the matter being laid before the Governour and Council, and made to appear; The man or woman whoſe Relation is in this manner parted from him or her, may be eſteemed ſingle and unmarried; and upon ſuch Declaration thereof, and Licence obtained from that Board, may lawfully marry again. Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Limitation of Three Years in caſe.

An Act Enabling Sheriffs, Conſtables, *&c.* to require aid and aſſiſtance in the Execution of their reſpective Offices referring to Criminals.

FORASMUCH as it is oftentimes neceſſary, That Sheriffs, Under-Sheriffs and Conſtables be aided and aſſiſted in the Execution of their reſpective Offices.

Be it therefore Enacted by the Lieutenant Governour, Council and Repreſentatives, Convened in General Aſſembly, and by the Authority of the ſame, That when and ſo often as any Sheriff, Under-Sheriff or Conſtable ſhall be in the Execution of his Office for the preſervation of the Peace or for apprehending or ſecuring any perſon or perſons for violating the ſame, or for any other criminal matter or cauſe. It ſhall and may be lawful to and for ſuch Sheriff, Under-Sheriff or Conſtable to require ſuitable aid and aſſiſtance therein. And if any perſon or perſons being required by any Sheriff, Under-Sheriff or Conſtable in His Majeſties Name to aid or aſſiſt him in the Execution of his Office as aforeſaid, ſhall neglect or refuſe ſo to do, and be thereof convicted before one or more of His Majeſties Juſtices of the Peace, ſuch Offender or Offenders ſhall be fined, to the uſe of the Poor of the Town where the Offence ſhall be committed, not exceeding *Forty Shillings*, at the diſcretion of ſuch Juſtice or Juſtices, according to the circumſtances aggravating or leſſening ſuch Offence. And if ſuch Offender or Offenders be unable or ſhall not forthwith pay the ſaid Fine, ſuch Juſtice or Juſtices may puniſh him or them by Impriſonment, not exceeding forty eight hours, or by ſetting in the Stocks, not exceeding four hours.

Penalty for refuſal or neglect to aid or aſſiſt the Sheriff, *&c.*

And if any perſon or perſons not being really and *bona fide* a Sheriff, Under-Sheriff or Conſtable, ſhall preſume to abuſe His Majeſties Name and Authority in pretending him or themſelves to be any or either of the ſaid Officers, and take upon him or themſelves to act as ſuch, or to require any other perſon or perſons to aid or aſſiſt him or them in any matter or thing belonging to the duty of a Sheriff, Under-Sheriff or Conſtable: Every perſon or perſons ſo offending, and being thereof convicted, ſhall forfeit and pay a Fine not exceeding *One Hundred Pounds*, according to the nature and circumſtances aggravating his Offence, at the diſcretion of the Court, before

Penalty for pretending to be a Sheriff, *&c.* & not ſo *bona fide.*

fore whom the Conviction ſhall be; one Moiety of the ſaid Fine or Forfeiture to be unto His Majeſty, towards the Support of the Government within this His Majeſties Province, and the other Moiety to him or them that ſhall inform and proſecute for the ſame.

Juſtices may Command any perſon to apprehend an offender

And be it further Enacted by the Authority aforeſaid, That any of His Majeſties Juſtices of Peace, for the preſervation of the ſame, or upon view of the breach thereof, or of any other tranſgreſſion of Law proper to his Cognizance done or committed by any perſon or perſons whatſoever, ſhall, and hereby is impowred (in the abſence of a Sheriff, Under Sheriff or Conſtable) to require any perſon or perſons to apprehend and bring before him ſuch Offender or Offenders. And every perſon and perſons that ſhall neglect or refuſe to obey any Juſtice or Juſtices in apprehending ſuch Offender or Offenders, being thereunto required as aforeſaid, ſhall incur and ſuffer the like pains and penalties as is before provided for refuſing or neglecting to aſſiſt any Sheriff, Under-Sheriff or Conſtable in the Execution of his Office as before mentioned.

Penalty for neglect or refuſal.

And no perſon or perſons ſo offending, unto whom ſuch Juſtice is known, or ſhall declare himſelf ſo to be, ſhall be admitted to plead excuſe or pretence of ignorance of his Office.

An Act for the better Preſervation and Increaſe of Deer within this Province.

WHEREAS the Killing of Deer at unſeaſonable times of the year hath been found very much to the prejudice of this Province, great numbers thereof having been hunted and deſtroyed in deep Snows when they are very poor, and big with young, the fleſh and skins of very little value, and the increaſe thereof greatly hindred.

Be it therefore Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That no perſon or perſons whatſoever within this Province, from and after the laſt day of *December*, in this preſent year One Thouſand Six Hundred Ninety Eight, till the firſt day of *Auguſt*, One Thouſand Six Hundred Ninety Nine, and ſo from the laſt day of *December*, to the firſt day of *Auguſt* following annually for ever hereafter, ſhall any ways whatſoever, Kill any Buck, Doe or Fawn, on pain that ſuch perſon or perſons ſo Offending, ſhall forfeit the Sum of *Forty Shillings* for the firſt Offence, *Three Pounds* for the ſecond Offence, and *Five Pounds* for the third Offence, and ſo for every Offence after: One Moiety thereof unto His Majeſty, to be imployed towards Support of the Government of this His Majeſties Province, and the other Moiety to him or them that ſhall inform and ſue for the ſame in any Court of Record within the ſaid Province.

No Deer to be killed betwixt *December* & *Auguſt* yearly, on penalty.

Perſons unable to pay the Penalty, to ſatisfy by work.

And if any perſon or perſons Offending as aforeſaid, ſhall not have wherewithal to pay his or their Fine or Fines, he or they ſhall for the firſt Offence work twenty days, for the ſecond thirty, and for the third Offence fifty days, as ſhall be directed by the Juſtices, before whom the cauſe ſhall be heard and determined; and the Wages or Earnings for his or their work to be imployed to and for the uſes before-mentioned.

The fleſh or skin of any Deer found to be ſufficient conviction, unleſs, &c.

And if any Veniſon, Skin or Skins of any Buck, Doe or Fawn newly killed, ſhall, at any time in any of the aforeſaid months wherein they are by this Act prohibited to be killed, be found with, or in poſſeſſion of any perſon or perſons whatſoever, ſuch perſon or perſons ſhall be held and

and accounted in the Law to be guilty of killing Deer contrary to the intent of this Act, as fully as if it were proved againſt ſuch perſon or perſons by ſufficient witneſs *viva voce*; except ſuch perſon or perſons do bring forth and make proof who was the perſon, or who were the perſons that Sold or Killed the ſame.

Tame Deer may be kill'd at any time.

Provided always, And be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful for any perſon or perſons whatſoever, who ſhall keep or breed any Deer, tame, or in any Park or Iſland, at any time to kill any Buck, Doe or Fawn ſo kept and bred. And that any perſon or perſons whatſoever, ſhall have free liberty of Hunting as formerly to the Eaſtward of *Piſcataqua* River. Any thing in this Act to the contrary notwithſtanding.

An Act for hearing and determining of Caſes in Equity.

WHEREAS the Reſpective Courts of Juſtice within this Province are by Law Impowred, where the Forfeiture of any Penal Bond ſhall be found, in the Entring up of Judgment in ſuch caſe to chancer the ſame unto the juſt debt and damages. The Practice whereof is found to give great eaſe and ſatisfaction unto His Majeſties Subjects; whereby Oppreſſion, Delay, and great Coſts and Charges are prevented; which otherwiſe would unavoidably ariſe. And Applications having been unto this Court, That further proviſion may be made for relief in Equity, in caſes not releivable by the Rules of the common Law.

To the intent therefore that Juſtice and Equity may be jointly Adminiſtred.

Courts of Juſtice Impowred to chancer Penalties annexed to ſpecialties and forfeitures of Eſtates granted on condition.

Be it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That in all caſes brought or to be brought for Tryal in the Superiour Court of Judicature, or in the Inferiour Court of Common Pleas within the ſeveral Counties; where the Forfeiture or Penalty annexed unto any Articles, Agreement, Covenant, Contract, Charter-party, or other Specialties or Forfeiture of Eſtates on Condition Executed by Deed of Mortgage, or Bargain and Sale with Defeaſance, ſhall be found by Verdict of Jury, or Confeſſion of the Obligor, Mortgager or Vender; The Juſtices of the ſaid Courts reſpectively where the Tryal is had, are hereby Impowred and Authorized, to moderate the rigour of the Law, and on conſideration of ſuch caſes according to Equity and good Conſcience to Chancer the Forfeiture, and Enter up Judgment for the juſt debt and damages, and to award Execution accordingly; Only in real actions upon Mortgage or Bargain and Sale, with Defeaſance, the Judgment to be conditional; That the Mortgager or Vender, or his Heirs, Executors or Adminiſtrators do pay unto the Plaintiff, ſuch Sum as the Court ſhall determine to be juſtly due thereupon, within two months time after Judgment Entred up for diſcharging of ſuch Mortgage or Sale; Or that the Plaintiff recover poſſeſſion of the Eſtate Sued for, and Execution to be awarded for the ſame.

Provision for cases of like nature heard & tryed since *April.* 1686.

And be it further Enacted by the Authority aforesaid, That in all cases of like nature heretofore heard and tryed in any of the Courts of Justice within this Province, since the month of *April* in the Year of Our Lord God, One Thousand Six Hundred Eighty Six, where the whole Forfeiture or Penalty of any Bond or Obligation, Conditioned for the payment of Money, performance of Articles, Covenants, Agreements, Charter parties or other Specialties has been Recovered and Exacted; Or where any Estate granted on condition by Mortgage, or Bargain and Sale, with Defeasance hath been recovered, and the Mortgagee or Vendee by himself or assigns hath entred into, or by any ways or means whatsoever obtained possession thereof for default of the Mortgager or Venders paying the Money, or otherwise performing what according to such Condition or Defeasance he ought to have done, the party agrieved and oppressed by such Exaction, or to whom the Right or Equity of redemption of any such Estate does belong, may bring his Suit for remedy and relief therein, by filing a Bill, Plaint or Declaration, either in the Superiour Court of Judicature, or the Inferiour Court of Common Pleas at his pleasure, and shall cause the adverse party to be Served with a Writ or Proces out of such Court, fifteen days before the day of the sitting of the same: briefly notifying the import of the said Bill, Plaint or Declaration, & requiring him to appear at said Court, to make his Answer and Defence. And in case of the Defendants Non-appearance, or on motion made to the Court, and reasonable cause therefore shewn, the Court may continue such Suit unto the next Court and no longer. Provided no such Suit shall be brought, after the Tenth Day of *December*, which will be in the Year of Our Lord, One Thousand Seven Hundred and One.

The Justices of the several Courts Impowred to receive and hear such cases and to grant relefe in Equity.

And the Justices in the before mentioned Courts respectively are hereby Impowred and Authorized to receive and hear every such case and cases that shall be orderly brought before them as aforesaid, and on consideration of the several pleas and allegations made by either party to decree and enter up Judgment therein agreeable to Equity and good Conscience, and to award Execution accordingly. And where any Mortgagee or Vendee of any Houses or Lands granted on condition hath recovered, or entred into, and taken possession of the same for the condition broken, the Mortgager or Vender, or his Heirs tendring payment of the Original Debt & Damages, or such part thereof as was remaining unpaid, at the time of Entry; with reasonable costs and allowance for any disburlements afterwards laid out on such Housing or Lands for the advancement and bettering of the same, over and above what the Rents, profits or improvements thereof made shall amount unto, upon a just computation thereof by the Court, as on hearing of the parties shall be made to appear; The Mortgagee or Vendee, or his Heirs, or the present Tenant in possession (being the purchaser and holding in his own right) shall be obliged to accept such payment, and to restore and deliver possession of the Estate unto the Mortgager or Vender, or his Heirs, and Seal Execute, and Acknowledge a good and sufficient Deed in the Law of Release and Quitclaim to the same. But in case of his not appearing in Court, or refusal to accept such payment tendred, the whole of said Moneys which the Court shall enter Judgment for being left in custody of the Court on behalf, and for the use of the Mortgagee or Vendee, his Heirs or Assigns, Judgment shall be Entred up for the Mortgager or Vender, or his Heirs, to recover possession of such Houses or Lands, and Execution be accordingly awarded. **And further it is Enacted,** That at any time hereafter where the Mortgagee or Vendee shall be in actual possession of any Estate granted on condition, It shall be in the liberty of the Mortgager or Vender, or his Heirs to bring his Suit in manner as aforesaid, for redemption thereof within the space of three years next after the term therein expired, and not afterward.

Suit for Redemption where the Mortgagee is in possession to be brought in 3 years.

Provided

Provided always, That the party agrieved at any Judgment to be given as aforeſaid, ſhall have the ſame liberty of Appeal and Review as in other caſes is provided at the common Law. Appeal.

An Act for Eſtabliſhing the Form of an Oath to be adminiſtred unto the Juſtices of the Superiour Court of Judicature, and the Juſtices of the Inferiour Court of Common Pleas reſpectively.

BE it Enacted by the Lieutenant Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That the Oath following ſhall be adminiſtred unto each of the Juſtices of the Superiour Court of Judicature, and alſo to each of the Juſtices of the reſpective Inferiour Courts of Common Pleas within this Province, by the Governour or Commander in Chief for the time being of the ſame, or ſuch as ſhall be by him thereto appointed.

That is to ſay,

YOU Swear, *That well and truly You ſhall Serve Our Soveraign Lord the King and His People in the Office of a Juſtice of the Court of and that you will do equal Law and Execution of right to all People, poor and rich after the Laws and Uſage of this Province: And in ſuch caſes as the Law does eſpecially provide to be relieved in Equity, there to proceed according to Equity and good Conſcience, without having regard to any perſon.* So help you God.

Which before recited Oath ſhall alſo be adminiſtred as aforeſaid unto the Juſtices that ſhall be appointed and commiſſioned, for the reſpective Courts aforeſaid from time to time, before their entring upon the Execution of their Office.

ACTS and LAWS,

Paſſed by the Great and General Court or Aſſembly of the Province of the *Maſſachuſetts-Bay* in *New-England*: Begun and Held at *Boſton* the Thirty-firſt Day of *May*, 1699.

An Act for Holding of Courts of General Seſſions of the Peace, and aſcertaining the times and places for the ſame.

BE it Enacted and Ordained by His Excellency the Governour Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That there ſhall be held and kept in each reſpective County within this Province yearly, and in every year at the times and places in this Act hereafter mentioned and expreſſed, *A Court of General Seſſions of the Peace*, by the Juſtices of the Peace of the ſame County, or ſo many of them as are or ſhall be limited in the Commiſſion of the Peace. Who are hereby Impowred to hear and determine all matters relating to the Conſervation of the Peace, and puniſhment of Offenders, and whatſoever is by them cognizeable according to Law. And to give Judgment, and award Execution therein.

Their power.

And be it further Enacted by the Authority aforeſaid, That the times and places for the holding and keeping the ſaid Courts of General Seſſions of the Peace within the reſpective Counties ſhall be as followeth. *That is to ſay*, For the County of *Suffolk*, at *Boſton*, on the firſt *Tueſdays* in *July*, *October*, *January*, and *April*: For the County of *Eſſex*, at *Salem*, on the laſt *Tueſdays* in *June*, and *December*; at *Newbury*, on the laſt *Tueſday* in *September*; and at *Ipſwich*, on the laſt *Tueſday* in *March*: For the County of *Middleſex*, at *Cambridge*, on the Second *Tueſday* in *September*, at *Charlſtown*, on the Second *Tueſdays* in *December* and *March*, and at *Concord*, on the Second *Tueſday* in *June*: For the County of *Plimouth*, at *Plimouth*, on the Third *Tueſdays* in *September*, *December* and *June*, and on the Firſt *Tueſday* in *March*: For the County of *Barnſtable*, at *Barnſtable*, on the firſt *Tueſdays* in *July*, *October*, *January*, and *April*: For the County of *Briſtol*, at *Briſtol*, on the Second *Tueſdays* in *July*, *October*, *January* and *April*: For the County of *York*, at *Wells*, on the Firſt *Tueſdays* in *July* and *October*, and at *York*, on the Firſt *Tueſdays* in *January*, and *April*: For the County of *Hampſhire*, at *Springfield*, on the Firſt *Tueſday* in *September*, and Third *Tueſday* in *May*, and at *Northampton*, on the Firſt *Tueſdays* in *December* and *March*: For *Dukes* County at *Edgar-Town*, on the Firſt *Tueſday* in *October*, and on the firſt *Tueſday* in *March*; and for the Iſland of *Nantuckett*, at ſaid Iſland, on the Firſt *Tueſday* in *October*, and on the laſt *Tueſday* in *March* yearly, and in every year from time to time.

The times & places for holding a Court of General Seſſions of the Peace in the ſeveral Counties.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful, for any perſon agrieved at the Sentence of the Juſtices in any Court of General Seſſions of the Peace, to make his appeal from ſuch Sentence (the matter being originally Heard and Tryed in ſaid Court) unto the next Court of Aſſize and General Goal Delivery to be Held within or for the ſame County, there to be finally iſſued.

Appeal to the Court of Aſſize.

Provided, That no Appeal ſhall be granted, unleſs it be claimed at the time of declaring the Sentence, and the Appellant enter into Recognizance, with two ſufficient Sureties within the ſpace of two hours next after, in a reaſonable Sum for his perſonal appearance at the Court Appealed to, and proſecution

Appellant to give Security for proſecution, &c.

on of his Appeal there with effect; and to abide and perform the Order or Sentence of ſaid Court thereon, and to be of the good behaviour in the mean time. And the Party Appealing is to remain in Cuſtody of an Officer, until he ſhall have given ſuch Security. And the Officer not to be allowed above *Twelve pence* an hour for his time and attendance.

Reaſons of Appeal to be filed ſeven days before the ſitting of the Court appealed to.

Provided alſo, That every ſuch Appellant do file the Reaſons of his Appeal in the Clerks Office of the Court appealed unto, ſeven days before the day of the Sitting of ſaid Court; and alſo at his own Coſt, do take out and preſent unto the Court, an atteſted Copy of the Sentence, and likewiſe atteſted Copies of all the Evidences upon which the ſame was grounded And the Appellant ſhall pay the like Fee for the entring of his Appeal in the Court appealed to, as is by Law required, for Entry of an Action in a Civil Cauſe, and the like Fee to the Jurors, that ſhall try the ſame.

Jurors how to be choſen and Summoned.

And be it further Enacted by the Authority aforeſaid, That in convenient time before the Sitting of the ſaid Court of General Seſſions of the Peace in each reſpective County, the Clerk of the Peace in ſuch County ſhall iſſue out Warrants directed to the Conſtables of the ſeveral Towns within the ſame County, or the moſt principal of them. Requiring them to Aſſemble the Freeholders and other Inhabitants of their Town qualified as in and by His Majeſties Royal Charter is directed, to Elect and Chooſe ſo many good and lawful men of ſaid Town or Diſtricts thereof alike qualified as aforeſaid, as the Warrant ſhall direct, to Serve as Jurors at ſuch Court. And the Conſtable ſhall Summon the perſons ſo Choſen to attend accordingly at the time and place appointed; and make timely return of his Warrant unto the Clerk that granted the ſame, on pain that every Conſtable failing of his duty therein, ſhall forfeit and pay unto the County-Treaſurer for the uſe of the County, a Fine not exceeding *Five Pounds*, nor leſs than *Forty Shillings*, at the diſcretion of the Juſtices of ſuch Court: Unleſs ſuch Conſtable ſo failing of his duty as aforeſaid, ſhall ſeaſonably make a reaſonable excuſe unto the Juſtices of ſaid Court for his default and the ſame be allowed of by them.

Penalty on Conſtables neglecting to make their return.

Sheriff to return Jurors in caſe there fail of a ſufficient number

And if by reaſon of Challenge or otherwiſe there do not appear a ſufficient number of good and lawful men to make up the Petty Jury, or Juries to ſerve at the ſaid Court: Then and in ſuch caſe the ſaid Jury or Juries ſhall be filled up *de talibus circumſtantibus*, to be returned by the Sheriff; And where the Sheriff is concerned, or related to either of the parties in any caſe, to be returned by the Coroner.

Appeal from the Sentence of one or more Juſtices of the Peace.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful for any perſon ſentenced for any Criminal Offence, by one or more Juſtices of the Peace out of Seſſions, to appeal from ſuch Sentence unto the next Court of General Seſſions of the Peace to be held within the ſame County. Every ſuch Appellant recognizing with Sureties in a reaſonable Sum not exceeding *Five Pounds* for his appearance at the Court appealed to, and to proſecute his appeal there with effect, and to abide and perform the Order or Sentence of ſaid Court thereon, which is to be final: and in the mean time to be of the good behaviour. And every ſuch Appellant ſhall attend the ſame rules and method for bringing forward his Appeal at the ſaid Court of General Seſſions of the Peace as before in this Act is provided in caſe of Appeal from ſaid Court, to the Court of Aſſize and General Goal Delivery. And ſhall pay the like Fee for entring of his Appeal as for the entring of a Civil Action in the Inferiour Court of Common Pleas; and the like Fee to the Jurors as is paid them in the ſaid Inferiour Court.

An Act for the Eſtabliſhing of Inferiour Courts of Common Pleas in the ſeveral Counties of this Province.

BE it Enacted and Ordained by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That there ſhall be Held and Kept in each reſpective County within this Province, and at the Iſland of *Nantucket* within the ſame, yearly and every year, at the times and places in this Act hereafter mentioned and expreſſed, *An Inferiour Court of Common Pleas,* by four ſubſtantial perſons to be Appointed and Commiſſionated as Juſtices of the ſame Court in each County, Any three of whom to be a *Quorum* for the holding of ſaid Court, who ſhall have Cognizance of all Civil Actions ariſing or hapning within ſuch County, tryable at the Common Law, of what nature, kind or quality ſoever: And are hereby impowred to give Judgment therein, and award Execution thereupon.

Conſtitution and power.

And be it further Enacted by the Authority aforeſaid, That the times and places for the holding and keeping the ſaid Inferiour Court of Common Pleas within the ſeveral and reſpective Counties ſhall be as followeth. *That is to ſay,* For the County of *Suffolk,* at *Boſton,* on the firſt *Tueſdays* in *July, October, January,* and *April*: For the County of *Eſſex,* at *Salem* on the laſt *Tueſdays* in *June* and *December*; at *Newbury* on the laſt *Tueſday* in *September*; and at *Ipſwich* on the laſt *Tueſday* in *March*: For the County of *Middleſex,* at *Cambridge* on the ſecond *Tueſday* in *September*; at *Charlſtown* on the ſecond *Tueſdays* in *December* and *March*; and at *Concord* on the ſecond *Tueſday* in *June*: For the County of *Plymouth,* at *Plymouth* on the third *Tueſdays* in *September, December* and *June,* and on the firſt *Tueſday* in *March*: For the County of *Barnſtable,* at *Barnſtable* on the firſt *Tueſdays* in *July, October, January,* and *April*: For the County of *Briſtol,* at *Briſtol* on the ſecond *Tueſdays* in *July, October, January* and *April*: For the County of *York,* at *Wells* on the firſt *Tueſdays* in *July* and *October,* and at *York* on the firſt *Tueſdays* in *January* and *April*: For the County of *Hampſhire,* at *Springfield* on the firſt *Tueſday* in *September,* and third *Tueſday* in *May,* and at *Northampton* on the firſt *Tueſdays* in *December* and *March*: For *Dukes* County, at *Edgar Town,* on the firſt *Tueſday* in *October,* and on the firſt *Tueſday* in *March*: And for the Iſland of *Nantuckett,* at ſaid Iſland on the firſt *Tueſday* in *October,* and on the laſt *Tueſday* in *March* yearly, and in every year from time to time.

Times and places for holding Inferiour Courts.

And be it further Enacted by the Authority aforeſaid, That all Proceſſes and Writs for the bringing any Cauſe or Suit to Tryal in any of the ſaid Inferiour Courts, ſhall iſſue out of the Clerks Office of ſuch Court in His Majeſties Name, under the Seal of the ſaid Court, to be Signed by the Clerk, and directed to the Sheriff or Marſhal of the County, his Under-Sheriff or Deputy. And if ſuch Proceſs or Writ be againſt the Sheriff or Marſhal, to be directed to the Coroner of ſuch County, who is hereby impowred to execute the ſame. And where the Sum ſued for is under *Ten Pounds,* may be alſo directed to the Conſtables of the Town. And Writs as well original as judicial iſſuing out of the Clerks Office of the ſaid Court, ſhall run into any County and place within this Province, and be there executed by the Officer or Officers of ſuch County to whom they are directed. And all proper Original Proceſſes in the ſaid Court, ſhall be Summons, Capias or Attachment, which ſhall be Served and Executed fourteen days before the day of the Sitting of the Court where ſuch Writ or Proceſs is returnable.

Writs to iſſue out of the Clerks Office

Coroner.

to run thro' the Province

and to be Summons, Capias or Attachment,

Provided

Provided, That no Action under the value of *Forty Shillings* ſhall be brought into any of the ſaid Inferiour Courts, unleſs where Freehold is concerned, or upon Appeal from a Juſtice of Peace.

And be it further Enacted by the Authority aforeſaid, That in convenient time before the Sitting of the ſaid Inferiour Court in each reſpective County; The Clerk of ſuch Court ſhall iſſue out Warrants directed to the Conſtables of the ſeveral Towns within the ſame County, or the moſt principal of them. Requiring them to aſſemble the Freeholders and other Inhabitants of their Town qualified as in and by His Majeſties Royal Charter is directed, to Elect and Chooſe ſo many good and lawful men of ſaid Town or Diſtricts thereof alike qualified as aforeſaid, as the Warrant ſhall direct, to Serve as Jurors at ſuch Court, and the Conſtable ſhall Summon the perſons ſo Choſen, to attend accordingly at the time and place appointed, and make timely return of his Warrant unto the Clerk that granted the ſame: On pain that every Conſtable failing of his duty therin, ſhall forfeit and pay unto the County Treaſurer for the uſe of the County, a Fine not exceeding *Five Pounds*, nor leſs than *Forty Shillings*, at the diſcretion of the Juſtices of ſuch Court, unleſs ſuch Conſtable ſo failing of his duty as aforeſaid, ſhall ſeaſonably make a reaſonable Excuſe unto the Juſtices of ſaid Court for his default, and the ſame be allowed of by them. Clerks to iſſue out Warrants.

And if by reaſon of Challenge or otherwiſe there do not appear a ſufficient number of good and lawful men to make up the Petty Jury or Juries to Serve at the ſaid Court, then and in ſuch caſe, the ſaid Jury or Juries ſhall be filled up *de talibus circumſtantibus*, to be returned by the Sheriff: And where the Sheriff is concerned or related to either of the Parties in any Caſe, to be returned by the Coroner.

An Act for the Eſtabliſhing a Superiour Court of Judicature, Court of Aſſize, and General Goal Delivery within this Province.

Be it Enacted & Ordained by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That there ſhall be a Superiour Court of Judicature, Court of Aſſize, and General Goal Delivery over this whole Province, to be Held and Kept Annually at the reſpective times and places in this Act hereafter mentioned and expreſſed by one Chief Juſtice, and four other Juſtices to be Appointed and Commiſſionated for the ſame. Any three of whom to be a *Quorum*, who ſhall have Cognizance of all pleas, real, perſonal or mixt, as well all pleas of the Crown, and all matters relating to the Conſervation of the Peace, and puniſhment of Offenders; as Civil Cauſes or Actions between party and party, and between His Majeſty and any of His Subjects, whether the ſame do concern the Realty, and relate to any Right of Freehold and Inheritance, or whether the ſame do concern the perſonalty, and relate to matter of Debt, Contract, Damage or perſonal Injury; and alſo all mixt actions which concern both realty and perſonalty brought before them by Appeal, Review, Writ of Error, or otherwiſe as the Law directs. And generally of all other matters as fully and amply to all intents and purpoſes whatſoever, as the Courts of Kings Bench, Common Pleas and Exchequer within His Majeſties Kingdom of *England*, have, or ought to have. And are hereby Impowred to give Judgment therein, and award Execution thereupon. Superiour Court of Judicature and Court of Aſſize. Conſtitution. Power.

Times and Places for holding Superiour Courts.

And be it further Enacted by the Authority aforeſaid, That the times and places for the holding and keeping of the ſaid Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, ſhall be as followeth: *That is to ſay,* Within and for the County of *Suffolk,* at *Boſton* upon the firſt *Tueſdays* in *November* and *May.* Within and for the County of *Eſſex,* at *Salem,* on the ſecond *Tueſday* in *November,* and at *Ipſwich,* on the third *Tueſday* in *May.* Within and for the County of *Middleſex,* at *Cambridge,* on the laſt *Tueſday* in *July,* and at *Charlſtown,* on the laſt *Tueſday* in *January.* Within and for the County of *Hampſhire,* at *Springfield,* on the ſecond *Thurſday* in *Auguſt.* Within and for the County of *York,* at *Kittery,* on the *Thurſday* in the week next before the time herein ſet and appointed for the Sitting of the ſaid Superiour Court at *Ipſwich.* For the Countys of *Plymouth, Barnſtable* and *Dukes County,* at *Plymouth,* on the laſt *Tueſday* in *March*: And within and for the County of *Briſtol,* at *Briſtol,* on the ſecond *Tueſday* in *September* yearly, and in every year from time to time.

Nantucket.

And be it further Enacted by the Authority aforeſaid, That there ſhall be held and kept a Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, for the hearing and determining of any Capital Offence or Offences that ſhall ariſe or happen within the Iſland of *Nantuckett,* at ſuch place within the ſame; and at ſuch time as the Governour and Council adviſing with the Juſtices of ſaid Court ſhall from time to time direct and appoint, according as occaſion may be.

Provided nevertheleſs, That the Tryal of all matters and cauſes by Appeal from the Court of General Seſſions of the Peace, or Inferiour Court of Common Pleas reſpectively within the ſaid Iſland of *Nantuckett,* or by Writ of Error relating to any Judgment given in the ſaid Inferiour Court ſhall be in the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, to be held within the Counties of *Suffolk* or *Middleſex.*

Proceſs to be Served 14 days before the Courts Sitting

And be it further Enacted by the Authority aforeſaid, That all Proceſſes and Writs iſſuing out of the ſaid Superiour Court of Judicature to be held within or for any County within this Province, ſhall be in His Majeſties Name, under the Seal of the ſaid Court, and Signed by the Clerk thereof, and ſhall be directed to the Sheriff, his Under-Sheriff or Deputy, or other proper Officers, who are hereby Impowred and required to obſerve and execute the ſame: And ſhall run into any County or Place within this Province, and be there Executed by the Officer or Officers of ſuch County or place to whom they are directed. And all Proceſſes for the Tryal of Civil Cauſes in the ſaid Court upon Review or in other Caſes which by Law may be originally there brought ſhall be Served and Executed fourteen days before the day of the Sitting of the Court where ſuch Writ or Proceſs is returnable.

Jurors how to be choſen.

Penalty on Conſtables not returning their Warrants for choice of Jurors.

And be it further Enacted by the Authority aforeſaid, That in convenient time before the Sitting of the ſaid Superiour Court of Judicature, Court of Aſſize and General Goal Delivery in each reſpective County, the Clerk of ſaid Court ſhall iſſue out Warrants directed to the Conſtables of the ſeveral Towns within the County or Juriſdiction of ſaid Court, or the moſt principal of them. Requiring ſuch Conſtables to aſſemble the Freeholders and other Inhabitants of their Town qualified as in and by His Majeſties Royal Charter is directed, to Elect and Chooſe ſo many good and lawful men of ſaid Town or Diſtricts thereof, alike qualified as aforeſaid, as the Warrant ſhall direct, to Serve as Jurors at ſaid Court: And the Conſtable ſhall Summon the perſons ſo choſen, to attend accordingly at the time and place appointed, and make timely return of his

his Warrant unto the Clerk that granted the ſame; On pain that every Conſtable failing of his duty therein, ſhall forfeit and pay unto the County Treaſurer for the uſe of the County, a Fine not exceeding *Five Pounds*, nor leſs than *Forty Shillings*, at the diſcretion of the Juſtices of ſaid Court. Unleſs ſuch Conſtable ſo failing of his duty as aforeſaid, ſhall ſeaſonably make a reaſonable Excuſe unto the Juſtices of ſaid Court for his default, and the ſame be allowed of by them.

Sheriff to return Jurors in caſe there do not appear a ſufficient number.

And if by reaſon of Challenge or otherwiſe, there do not appear a ſufficient number of good and lawful men to make up the Petty Jury or Juries to Serve at the ſaid Court: Then and in ſuch caſe the ſaid Jury or Juries ſhall be filled up *de talibus circumſtantibus*, to be returned by the Sheriff, and where the Sheriff is concerned or related to either of the parties in any Caſe, to be returned by the Coroner.

An Act for the Regulating and Directing the Proceedings in the Courts of Juſtice Eſtabliſhed within this Province.

WHEREAS *by two ſeveral Acts made & paſſed at this preſent Seſſion of the General Aſſembly, one Entituled*, An Act, For the Eſtabliſhing a Superiour Court of Judicature, Court of Aſſize, and General Goal Delivery within this Province: *And the other Entituled*, An Act, For the Eſtabliſhing of Inferiour Courts of Common Pleas in the ſeveral Counties of this Province. *Power is given to the Juſtices to be appointed and commiſſionated for the ſaid reſpective Courts, to hear and determine ſuch matters and cauſes as by the ſaid Acts are made cognizable in the ſame; and to give Judgment therein, and award Execution thereupon.*

Therefore for the better Regulating and Directing the Proceedings in the ſaid reſpective Courts.

Appeal from the Inferiour Court.

Be it Enacted by His Excellency the Governour, Council and Repreſentatives Convened in General Aſſembly, and by the Authority of the ſame, That it ſhall be in the liberty of the party agrieved at any Judgment given in any Inferiour Court of Common Pleas within this Province, to Appeal therefrom unto the next Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, to be held within or for the ſame County, And upon Judgment given at the ſaid Superiour Court of Judicature upon ſuch Action of Appeal, it ſhall be lawful for either party, Appellant or Defendant to Review ſuch Action by Proceſs out of the ſaid Superiour Court; or otherwiſe the party agrieved at any Judgment given in any Inferiour Court of Common Pleas may by a new Proceſs Review the ſaid Caſe in the ſame Court where it was firſt Tryed; and after Judgment given upon ſuch Tryal by Review, the party agrieved at the ſame Judgment may Appeal therefrom unto the next Superiour Court of Judicature, to be holden for or within the ſame County, Or may bring his Writ of Error for a new Tryal of the ſaid Caſe in the ſaid Superiour Court of Judicature. And in all Caſes wherein the Plaintiff or Defendant ſhall have obtained the number of three Judgments, it ſhall be a final Iſſue and Determination of ſuch Caſe. And every Action of Review ſhall be brought within the ſpace of three years. And no Civil Action ſhall be originally brought into the Superiour Court of Judicature, unleſs in caſes where the King is concerned.

Review in the Superiour Court.

Review in the Inferiour Court & Appeal there upon or Writ of Error.

Three judgments given for one party to be a final Iſſue.

Review to be brought in 3 years.

Appellant &c. to give Security.

And be it further Enacted and Provided by the Authority aforeſaid, That the party appealing or bringing any Writ of Error as aforeſaid, ſhall firſt enter into Recognizance with ſufficient Sureties if upon Appeal, before one or more of the Juſtices of the Court appealed from in a reaſonable Sum, that he will proſecute ſuch Appeal with effect, and if upon Writ of Error before one or more of the Juſtices of the Superiour Court of Judicature, in the value of the Debt or Damage recovered, that he will proſecute ſuch Writ of Error with effect, and abide the Order of the Court thereupon.

No Appeal to be admitted after the Courts ſitting nor Execution granted. the Appellant to bring the whole caſe.

Provided alſo, That no Appeal ſhall be admitted after the time of the Courts Sitting, nor after Execution granted; and that the party appealing, or bringing any Action of Review as aforeſaid, ſhall bring atteſted Copies of the whole Caſe unto the Court Appealed to, or where ſuch Action of Review is to be Tryed; where each party ſhall be allowed the benefit of any new and further Plea and Evidence. And that every Appellant as aforeſaid, ſhall alſo give in a Declaration, briefly ſetting forth the reaſons of his Appeal unto the Clerk of the Court appealed from fourteen days before the day of the Sitting of the Court where ſuch Appeal is to be Tryed. Which Declaration or reaſons of Appeal ſhall have a ſignification written thereupon, and Signed by ſuch Clerk of the time of his Receipt of the ſame; and a true Copy thereof ſhall be then taken by the ſaid Clerk, to be filed in his Office. And the ſaid Clerk ſhall thereupon make up the Original Declaration or Reaſons of Appeal under the Seal of the Court, and deliver the ſame to the Appellant, by him to be tranſmitted unto the Court where ſuch Appeal is to be Tryed. And ſuch Appellant ſhall pay the Clerk for Copying the ſaid Reaſons of Appeal, to be filed in his Office as aforeſaid.

Reaſons of Appeal to be filed 14 days before the Court.

Execution not to be granted within 24 hours after judgment.

And be it further Enacted by the Authority aforeſaid, That Execution in any Caſe ſhall not be granted until the expiration of twenty four hours next after Entring up of Judgment, and that no perſon Impriſoned upon mean Proceſs, ſhall be held in Priſon upon ſuch Proceſs above the ſpace of thirty days next after the riſing of the Court where the ſame ſhall be returned, notwithſtanding Judgment thereupon recovered; unleſs ſuch perſon be continued there by having his Body taken in Execution. Nor ſhall the PriſonKeeper diſcharge any ſuch Priſoner having Judgment entred up againſt him, within the ſaid ſpace of thirty days after the Courts riſing to the intent his Body may be taken in Execution, but by ſpecial Order of the Party at whoſe Suit he ſtands committed, ſignified in Writing under his hand.

Juſtices of the Courts to chancer Forfeitures of Bonds.

And be it further Enacted by the Authority aforeſaid, That the Juſtices in any of the ſaid Inferiour Courts of Common Pleas, or Superiour Court of Judicature reſpectively where the forfeiture of any Pænal Bond ſhall be found, ſhall be, and are hereby Impowred in the Entring up of Judgment in ſuch Caſe to chancer the ſame unto the juſt Debt and Damages.

Appeal to the King in Council.

Saving always the liberty of Appeal unto His Majeſty in Council, as by His Majeſties Royal Charter in that behalf is provided.

Judgment by default.

And be it further Enacted by the Authority aforeſaid, That in caſe upon any Proceſs being duly Served, and Return thereof made into the Court where the ſame ſhall be returnable, the Defendant do not appear by himſelf or his Attorney, his Default ſhall be recorded, and Judgment Entred up againſt him thereupon, unleſs before the Jury be diſmiſt he ſhall come into Court, and move to have a Tryal, in which caſe he ſhall be admitted thereunto, firſt paying down unto the adverſe party double the Coſts he has been at ſo far, and the Plaintiff ſhall make a new Entry.

And be it further Enacted by the Authority aforeſaid, That the Juſtices of the ſaid Superiour Court of Judicature, Court of Aſſize, and General Goal Delivery, the Juſtices of the ſaid Inferiour Courts of Common Pleas,

Pleas, and alſo the Juſtices of the Court of General Seſſions of the Peace in each reſpective County within this Province, be, and hereby are reſpectively Impowred to appoint and ſettle a Clerk to officiate in each of the ſaid ſeveral Courts for the granting of all Writs and Proceſſes iſſuing out of the ſame, Entring and Recording all Verdicts and Judgments that ſhall be therein given, and other Acts of the Court, and to do all things proper to the Clerks Office to all intents and purpoſes. And that the Juſtices of the ſaid reſpective Courts be, and are hereby likewiſe impowred to make neceſſary Rules and Orders for the more orderly practiſing and proceeding therein. Provided they be not repugnant to the Laws of this Province. And no Summons, Proceſs, Writ, Judgment or other Proceeding in Courts or courſe of Juſtice ſhall be abated, arreſted or reverſed upon any kind of circumſtantial Errors or Miſtakes where the perſon and caſe may be rightly underſtood and intended by the Court, nor through defect or want of form only. And all Writs, Proceſſes, Declarations, Indictments, Pleas, Anſwers, Replications and Entries in the ſeveral Courts aforeſaid, ſhall be in the Engliſh Tongue and no other. And it ſhall be in the liberty of the Plaintiff or Defendant in any of the ſaid Courts to plead or defend his own Cauſe in his own proper perſon, or with the aſſiſtance of ſuch other as he ſhall procure, being a perſon not ſcandalous or otherwiſe juſtly offenſive to the Court. And Attorneys Fees to be allowed at the Superiour Court of Judicature, ſhall be *Twelve Shillings*, and at the Inferiour Court of Common Pleas, *Ten Shillings*, and no more, and but one Attorney to be paid for in any Caſe.

Juſtices of Courts to appoint their Clerks.

No Proceſs &c to be abated &c. for circumſtantial Errors.

Writs &c to be in the Engliſh Tongue.

Attourneys Fee.

And be it further Enacted by the Authority aforeſaid, That the Clerk of each Town reſpectively within this Province, as well as the Clerks of the ſeveral Courts aforeſaid, may, and hereby is Impowred to Grant Summons for Witneſſes in Civil Caſes, directed to the party to be Summoned for Witneſs. Requiring him or them to appear at the ſaid Superiour Court of Judicature or Inferiour Court of Common Pleas reſpectively. And if any perſon or perſons upon whom any lawful Proceſs or Summons ſhall be Served to teſtify, depoſe or give Evidence concerning any Cauſe or Matter depending in any of the ſaid Superiour or Inferiour Courts, and having tendred unto him or them ſuch reaſonable Sum or Sums of Money for his or their Coſts and Charges, as having regard to the diſtance of the places, is neceſſary to be allowed in that behalf, do not appear according to the tenour of the Proceſs or Summons, having no lawful or reaſonable let or impediment to the contrary. That then the party ſo making default, ſhall for every ſuch Offence loſe and forfeit *Forty Shillings*, and ſhall yield ſuch further recompence to the party agrieved according to the loſs and hindrance that he ſhall ſuſtain by reaſon of the Non appearance of the ſaid Witneſs or Witneſſes, The ſaid ſeveral Sums to be recovered by the party ſo grieved, againſt the Offender or Offenders by Action of Debt, Bill, Plaint or Information in any of His Majeſties Courts of Record, wherein no Eſſoign, Protection or Wager of Law to be allowed. And *Two Shillings Per Diem* ſhall be accounted due ſatisfaction to any Witneſs for his Travel and Expences, and no more to be allowed in Civil Cauſes, and if ſuch Witneſs live within three miles of the place of the Courts ſitting whereto he is Summoned, and be not to paſs any Ferry, then *One Shilling* and *Six-pence per Diem* ſhall be accounted ſufficient.

Town Clerk to grant Summons for Witneſs's.

Penalty for Witneſs's non appearance.

their Allowance.

And be it further Enacted, That no perſon Serving as a Juſtice, Juror, Witneſs or otherwiſe ſhall be obliged to uſe any other Ceremony in taking of their reſpective Oaths, than lifting up the hand as has been accuſtomed. Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Ceremony in Swearing.

An Act for Reviving of Actions and Proceſſes, *&c.* depending in the ſeveral Courts of Juſtice within this Province, and Diſcontinued by the Diſallowance and Repeal of the Act, *For Eſtabliſhment of the ſaid Courts.*

BE it Enacted by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That all and all manner of Pleas, Writs, Actions, Suits, Plaints, Proceſs, Precepts, Recognizances, Indictments, Preſentments or other things whatſoever that were or ſhall be returnable, had or ſhall have day or days in any of the Courts of Juſtice lately Eſtabliſhed within this Province, Verdicts, Judgments and other matters and things therein depending, not fully made up, determined or given, ſhall ſtand continued, and be revived, and are hereby continued, revived and adjourned unto, and may be pleaded, heard and proceeded upon at the next Superiour Court of Judicature, Court of Aſſize, and General Goal Delivery, Inferiour Court of Common Pleas, or Court of General Seſſions of the Peace reſpectively, to be holden for and within the ſeveral Counties, where the ſame were or ſhall be returnable, had day or days, or are depending and undetermined.

And that all Parties that had day by any Pleas, Writs, Bills, Actions, Suits, Plaints, Proceſs, Precepts or other thing or things whatſoever, at or in any of the ſaid Courts diſcontinued by means as aforeſaid, ſhall reſpectively appear at ſuch next Court to be holden in or for the ſame County under the penalty of Forfeiting any Bonds, Obligations, or Recognizance for the appearance of the ſaid Parties, or under any other penalty that might have incurred upon the ſaid Parties for not appearing at any of the Courts diſcontinued as aforeſaid, if the ſame had been holden and kept.

Provided nevertheleſs, That where it happens any perſon or perſons being principals, that were under Bond, Obligation or Recognizance for appearance at the Superiour Court of Judicature, Court of Aſſize and General Goal Delivery, Inferiour Court of Common Pleas or Court of General Seſſions of the Peace within any County of this Province, diſcontinued as aforeſaid, and ſince that are removed and gone Beyond Sea, or out of this Province, and ſhall not be returned before the Sitting of ſuch next Court to be held in or for the ſame County. It ſhall be in the power of the Juſtices of ſuch Court upon motion made on that behalf, and they are accordingly to allow a continuance of any ſuch Bond, Obligation or Recognizance to ſuch further time as ſhall be thought neceſſary, that no perſons concerned may be ſurprized, or have advantage unreaſonably taken againſt them.

An Act in Addition to the Act, *For Regulating the Militia.*

WHEREAS *in and by the Act Entituled, An Act,* For Regulating the Militia, *amongſt other things therein contained:* It is Enacted, *That Drums, Drummers, Trumpets, Trumpeters, Colours and Banners be by the Commiſſion Officers of each Troop or Company, provided at the Charge of the reſpective Com-*

Companies and Troops where they are not already provided, and the Fines will not reach to procure the ſame. But no direction being given by the ſaid Law how or in what manner ſuch Charge ſhall be Raiſed and Levyed upon ſuch Company or Troop.

Be it therefore Enacted by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That when and ſo often as the Fines ariſing in any Military Company or Troop ſhall not be ſufficient to anſwer the Charge of providing ſuitable Drums, Trumpets, Colours and Banners, and the ſupport of Drummers, or Trumpeters. The Commiſſion Officers of ſuch Company or Troop reſpectively are hereby Authorized and Impowred to aſſeſs ſo much as ſhall be wanting and neceſſary for that uſe and occaſion, upon their Company or Troop; and to proportion the ſame in the moſt equal manner they may, upon all the perſons Entred in the Roll of ſuch Company or Troop, and liable to attend any Military Duty in the ſame, having due regard unto perſons ability for Eſtate and other Circumſtances. And where there be Sons and Servants, their Parents or Maſters to pay for them if they cannot do it themſelves. And the Aſſeſsment ſo made being Signed by the Commiſſion Officers, ſhall be committed unto the Clerk of ſuch Company or Troop, together with a Warrant from the Chief Officer of the ſame, requiring ſaid Clerk to collect and pay in the ſame unto himſelf, to be imployed and diſpoſed to the uſe aforeſaid: And to make diſtreſs of all perſons that ſhall neglect or refuſe to pay their proportion thereof. And ſuch Clerk is hereby Impowred and Required to execute ſuch Warrant accordingly, and to pay in ſaid Monies unto his Chief Officer. And if any fail in their betruſtment and duty aforeſaid, they ſhall be liable to give account to their Superiour Officers from time to time.

Commiſſion Officers to make Aſſeſsment for Drums, Trumpets, &c.

An Act for the better preventing of the Spreading of Infectious Sickneſſes.

WHEREAS Ships and other Veſſels arriving within this Province, from parts beyond the Seas, are oftimes during their Paſſage, viſited with the Small Pox, and other Infectious Sickneſſes: Or come from places where ſuch Sickneſſes are prevailing and Epidemical, bringing with them Cotton-Wool, or other Commodities, in which the Contagion is liable to be conveyed, and has in time paſt proved to be of pernicious and fatal conſequence to the People of this Province, the Maſters or Commanders of ſuch Ships or Veſſels, not taking that due care as in ſuch caſe they ought to give Information thereof, before they bring their Ships into Harbour, and have Landed their Paſſengers or Goods.

For Prevention of which Miſchief for future, and that this Province by the Bleſſing of God, may be preſerved from the coming in and ſpreading of contagious mortal Sickneſſes.

Be it Enacted by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That no Maſter or Commander of any Ship or Veſſel arriving to any Port or Harbour within this Province, in which Ship or other Veſſel, any perſon, Paſſenger or Seaman upon their Paſſage ſhall be viſited with the Small Pox, or any other contagious Sickneſs; Or ſhall come from

Ships viſited with Sickneſs or coming from any place viſited with Sickneſs not to come above the Caſtle &c. without Licence.

from any Port or Place where any ſuch Sickneſs is Epidemical and prevailing, may preſume to Sail, or bring his Ship or Veſſel within or above the Caſtle or Fort (where any ſuch is) or within the ſpace of half a mile next unto any Peer, Wharf, or Landing place in ſuch Harbour where no Fortification is, without Licence firſt had for ſo doing from the Governour or Commander in Chief of this Province for the time being, or from the two next Juſtices of the Peace, if ſuch Harbour lye more than ten miles diſtant from the place of the Governours Reſidence; Nor ſhall permit or ſuffer any of his Paſſengers or Seamen to be Landed or brought on Shore, or any perſon or perſons to come on Board without Licence as aforeſaid firſt had and obtained for the ſame, on pain that every Maſter or Commander of any Ship or other Veſſel offending againſt this Act, ſhall forfeit unto His Majeſty the Sum of *One Hundred Pounds*, for and towards the Support of the Government of this Province, to be recovered by Action, Bill, Plaint or Information in any of His Majeſties Courts of Record within the ſame, wherein no Eſſoign, Protection or Wager of Law to be allowed.

Captain of the Caſtle &c. to enquire of the health of Ships.

And to the intent, That all Maſters or Commanders of Ships or other Veſſels not belonging to this Province, may be duly Informed of their duty by this Act required, the Captain of the Caſtle, and the Chief Officer of every other Fort or Fortification in any Port or Harbour within the ſame, are hereby Commanded and Enjoyned, to examine and enquire of the Health of all Ships and other Veſſels arriving to the ſame, and to acquaint the Maſters or Commanders thereof, of the import of this Act.

Penalty for any paſſengers or Seaman to come on ſhore without Licence.

And be it further Enacted by the Authority aforeſaid, That if any Paſſengers or Seamen arriving in any Ship or Veſſel, viſited with the Small Pox or other Peſtilential or Infectious Sickneſſes upon her Voyage, ſhall preſume to come on Shore before Licence had as aforeſaid, It ſhall and may be lawful to and for any Juſtice of the Peace to require or ſend ſuch perſon or perſons with their Cloathing and Beding on Board ſuch Veſſel again, or to confine them to ſuch other place or places as ſuch Juſtice ſhall judge moſt ſuitable for preventing of Infection, and all the Coſts and Charges ariſing thereupon, to be anſwered and paid by the Paſſenger or Seaman ſo offending as aforeſaid. Who alſo ſhall forfeit the Sum of *Twenty Pounds* to the uſe aforeſaid, and to be recovered in manner as aforeſaid.

An Act for the Suppreſſing and Puniſhing of Rogues, Vagabonds, common Beggars, and other leud, idle & diſorderly perſons; And alſo for ſetting the Poor to work.

House of Correction to be provided in each County.

BE it Enacted by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That there ſhall be Erected, Built or otherwiſe provided in every County within this Province, at the Charge of ſuch County, a fit and convenient Houſe or Houſes of Correction (where ſuch a Houſe is not already provided) with convenient Accommodation thereunto adjoyning and belonging, to be uſed and imployed for the keeping, correcting and ſetting to work of Rogues, Vagabonds, common Beggars, and other leud, idle and diſorderly perſons: And until ſuch Houſe or Houſes of Correction be Erected, built or otherwiſe provided, the common Priſon in each County may be made uſe of for that purpoſe.

And

And be it further Enacted by the Authority aforeſaid, That the Juſtices of Peace in every County at the General Seſſions of the Peace, to be holden for the ſame County, from time to time, may nominate and appoint at their Will and Pleaſure, an honeſt fit perſon to be the Maſter of ſuch Houſe of Correction: And it ſhall and may be lawful to and for the ſaid Court, or any one Juſtice of the Peace out of Court to ſend and commit unto the ſaid Houſe, to be kept and governed according to the Rules and Orders thereof, All Rogues, Vagabonds, and idle perſons going about in any Town, or County, begging or perſons uſing any ſubtle craft, jugling or unlawful games or plays, or feigning themſelves to have knowledge in Phyſiognomy, Palmeſtry, or pretending that they can tell Deſtinies, Fortunes, or diſcover where loſt or ſtol'n Goods may be found, common Pipers, Fidlers, Runaways, ſtubborn Servants or Children, common Drunkards, common Night walkers, Pilferers, wanton and lacivious perſons, either in ſpeech or behaviour, common Railers, or Brawlers, ſuch as neglect their Callings, miſpend what they earn, and do not provide for themſelves or the ſupport of their Families; upon due conviction of any of the Offences or Diſorders aforeſaid.

Juſtices in their Seſſions to appoint a Maſter of the houſe of Correction.

And be it further Enacted by the Authority aforeſaid, That the Maſter of ſuch Houſe of Correction to be appointed as aforeſaid, ſhall have power and authority, and ſhall ſet all ſuch Rogues, Vagabonds, beggars, and other leud, idle and diſorderly perſons as aforeſaid, that ſhall be duly ſent or committed unto his cuſtody, to work and labour (if they be able) for ſuch time as they ſhall continue and remain in the ſaid houſe; and to puniſh them by putting Fetters or Shackles upon them, and by moderate Whipping, not exceeding Ten Stripes at once, which (unleſs the Warrant of Commitment ſhall otherwiſe direct) ſhall be inflicted at their firſt coming in, and from time to time in caſe they be ſtubborn, diſorderly or idle, and do not perform their Task, and that in good condition according as they ſhall be reaſonably ſtinted; or to abridge them of their food, as the cauſe ſhall require, until they be reduced to better Order.

Rogues, Vagabonds &c. to be ſet to work.

And puniſhed by Whipping &c.

And for the better Support and Governing of the ſaid Houſe of Correction, and for imploying of ſuch perſons as ſhall be committed to the ſame.

Be it further Enacted by the Authority aforeſaid, That the Juſtices of each County in their Court of General Seſſions of the Peace, ſhall be, and hereby are authorized and impowred to make neceſſary Rules and Orders from time to time, as they ſhall find occaſion, for the ruling, governing and puniſhing of ſuch perſons ſo to be committed, agreeable to the Laws of this Province. And ſuch Rules and Orders as ſhall be made in that behalf by the Juſtices in their General Seſſions, ſhall be of force and be duly performed and put in Execution.

Juſtices in their Seſſions to make orders for governing the houſe of Correction.

And be it further Enacted by the Authority aforeſaid, That when any perſon or perſons ſhall be committed to the ſaid Houſe of Correction from any Town or Towns in this Province, the Select men of ſuch Town to which ſaid perſon or perſons belongs, ſhall take care, and at the coſt and charge of ſaid Town ſhall provide, as there ſhall be occaſion ſuitable materials, ſuch as ſhall be neceſſary and convenient for the keeping ſuch perſon or perſons ſo committed to work during his or their abode there, and ſhall deliver the ſame to the Maſter or Keeper of ſaid Houſe, to be improved for that end. And where any ſtubborn Children or Servants that are under the immediate Care and Government of their Parents and Maſters, ſhall be Committed to ſaid Houſe, the Parents or Maſters

How perſons ſent to the houſe of Correction are to be ſupported.

ſters of ſuch Children or Servants, (if able) ſhall take care to provide ſuch things as may be neceſſary for the keeping of them to work and labour during their abode in ſaid Houſe. And no perſon to be Committed to the ſaid Houſe of Correction that is able to work, ſhall in any ſort be chargeable to the County for any allowance either at their bringing in, going forth, or during the time of their abode there, but ſhall only be allowed for their labour and work, the Sum of *Eight-pence* out of every *Shilling* they ſhall Earn, and the Over-plus of ſuch their Earnings to be unto the Maſter or Keeper of the ſaid Houſe to accompt for: And if ſuch perſons are Maſters or Heads of Families, then and in ſuch caſe the whole profit and benefit of their labour, or ſo much thereof as the Court of General Seſſions of the Peace ſhall think neceſſary and direct, ſhall be for the relief and ſupport of ſuch perſons and their Families. And if any perſon or perſons to be committed to the ſaid Houſe, ſhall be unable to work, or be weak or ſick, then to be relieved by the Maſter or Keeper of ſuch Houſe, who ſhall be again reimburſt what he ſhall ſo neceſſarily Expend for the relief of ſuch perſon or perſons by the Select-men of ſuch Town to which ſaid perſon doth belong, and the Select-men to aſſeſs the ſame upon the Inhabitants of ſuch Town or Precinct: Except the perſon or perſons ſo committed to ſaid Houſe, being unable to work, or being weak or ſick, were at the time of his, her or their Commitment in their Minority, and under the care of their Parents or Maſters: Then and in every ſuch caſe, the Parents or Maſters of ſuch perſon or perſons ſhall Reimburſe what neceſſary Charges the Maſter or Keeper of the ſaid Houſe of Correction ſhall neceſſarily Expend for their Relief.

Maſter of the houſe of Correction to be paid for his care &c.

And be it further Enacted by the Authority aforeſaid, That the Maſter or Keeper of the ſaid Houſe of Correction ſhall for his Care, Labour & Service in looking after the perſon or perſons that from time to time ſhall be committed to his care and cuſtody, & alſo for relieving any perſon or perſons that ſhall happen to be Weak or Sick in his cuſtody, have ſuch reaſonable allowance and ſatisfaction made him, by the Parents or Maſters of ſuch perſon or perſons ſo committed, if under their immediate Care and Government, or otherwiſe by the Town to which ſaid perſon or perſons do belong, as the Juſtices at the Court of General Seſſions of the Peace for ſuch County ſhall direct and appoint, if the Earnings of ſuch perſon or perſons be not ſufficient to diſcharge the ſame, over and above what is allowed them out of their Earnings for their relief.

And to keep an accompt of the earnings of thoſe committed to his cuſtody.

And the Maſter or Keeper of every ſuch Houſe, ſhall keep an exact Accompt of all Profits & Earnings that ſhall be made by the labour of thoſe under his Cuſtody from time to time, and preſent the ſame (upon Oath if required) unto the Juſtices of the ſame County, at their General Seſſions of the Peace, out of which Earnings the ſaid Maſter or Keeper of ſaid Houſe ſhall have his Allowance; and if any Over-plus be, it ſhall be to the Town to which ſaid perſon or perſons doth belong, or to their Parents or Maſters according as the circumſtance of the Caſe may be. And the Maſter or Keeper of any ſuch Houſe of Correction that ſhall refuſe to Accompt as aforeſaid, or ſhall otherwiſe be negligent of his Duty required by this Act, ſhall be liable to ſuch Fine or Puniſhment as by the diſcretion of the Court of General Seſſions of the Peace in ſuch County ſhall be awarded.

And for the better imploying and ſetting the Poor to Work.

Be it further Enacted by the Authority aforeſaid, That where there is a Houſe already built in any Town with intent to be improved for a Work houſe, to ſet their Poor on Work, or ſhall hereafter be built for that

that purpoſe, and the Inhabitants of ſuch Town ſhall grant a Tax or Aſſeſſment, for the raiſing of a Stock wherewith to provide neceſſary & ſuitable materials, tools & implements for imploying & ſetting their poor on work at ſuch Houſe. The Select-men of the ſame Town for the time being ſhall proportion ſuch Tax or Aſſeſſment upon the Inhabitants thereof in the moſt juſt & equal manner they may according to the rules and methods for the time being preſcribed by Law for proportioning the Province Tax, and ſhall grant Warrants for collecting the ſame in like manner as the Law directs for the gathering of other Town Rates or Aſſeſſments: And the Juſtices of Peace reſiding in any ſuch Town together with the Select men thereof, are hereby impowred and authorized to nominate and appoint from time to time three or more ſufficient perſons of their Inhabitants as a Maſter and Wardens, to govern, inſpect & take care that all perſons of the ſame Town imployed at the ſaid Work-houſe, or ſent thither by any two Juſtices of the Peace, *Quorum unus*, to be kept to work there, be held and kept ſtrictly to work, and that all idle and diſorderly perſons, and ſuch as do not duly perform ſuch reaſonable Task or Stint as ſhall be ſet them, be puniſhed by moderate Whipping, or ſetting in the Stocks. And all Stock, Materials, Tools and Implements to be raiſed and provided as aforeſaid, ſhall be committed into the hands of ſuch Maſter and Wardens, to be managed, uſed and imployed according to their diſcretion, for the imploying and ſetting to work all ſuch perſons as ſhall be under their inſpection and Government. And the ſaid Maſter and Wardens are alſo hereby impowred to demand, ſue for, recover, accept, receive and take any gifts, bequeſts and donations that are or ſhall be made and given by any perſon or perſons to the uſe of the poor, for and towards a Stock for ſuch Work-houſe, and to imploy and diſpoſe the ſame accordingly; and ſhall once a year, or oftner from time to time, if required, render an Accompt upon Oath unto the Town, of their management, imployment and diſpoſal of all Monies or other Stock to be committed unto them, or that by any other ways or means as aforeſaid, ſhall come to their hands, and of the profits and incomes made thereof; and ſhall have ſuch reaſonable allowance and recompence made unto them for their trouble, pains & ſervice in & about this affair as the Town ſhall agree & order.

Select men to proportion any Aſſeſſment that may be granted by the Inhabitants of any Town, for a ſtock to ſet their poor on work.

Maſter and Wardens to be appointed for ſuch work houſe.

their power

And all Stock to be raiſed or otherwiſe obtained as aforeſaid, with the increaſe, profits and improvements from time to time made thereof, ſhall be kept intire, and applied to, and for the ends and uſes before-mentioned, and for anſwering of the neceſſary Charges ariſing on and about the repairing and keeping of ſaid Houſe, and the ſubſiſting of thoſe that ſhall be there imployed, and to no other uſe whatſoever.

All ſtock to be kept intire for the ſaid works.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any two Juſtices of the Peace (*Quorum unus*) to ſend unto ſuch Work-houſe to be there imployed and kept to work all perſons belonging to the ſame Town, being able of Body, that live idly or diſorderly, miſpend their time, or that go about begging, or receive Alms from the Town. And the Maſter of ſuch Houſe ſhall receive and keep them to work accordingly.

Two Juſtices may commit to the work-houſe.

An Act appointing the Sheriff to have the keeping of the Common Goal, and the Priſoners therein.

BE it Enacted by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That the Sheriff of each ſeveral County within this Pro-

Sheriff to have the custody of the Goal and Priſoners therein.

vince, have the cuſtody, rule, keeping and charge of every of the Kings Common Goals, Priſons, and Priſoners in the ſame, in the County where he is Sheriff, during the time of his Office, to be held and kept by himſelf or his lawful Deputy or Under-keeper, for whom the Sheriff ſhall be anſwerable. And every Sheriff ſhall give ſufficient Security at the diſcretion of the Court of General Seſſions of the Peace in the ſame County, unto the Kings Majeſty, for the due and faithful diſcharge and performance of his Office in all the parts thereof.

to give ſecurity.

And for Encouragement unto the Sheriff to take and uſe all poſſible care and diligence for the ſafe keeping of the Priſoners that ſhall be committed to his cuſtody.

Salary.

Be it further Enacted by the Authority aforeſaid, That the Sheriff of every County ſhall have ſuch Salary allowed him for the ſame, as the Juſtices of the Court of General Seſſions of the Peace within the ſame County ſhall think fit and order, not exceeding *Thirty Pounds Per Annum* for the County of *Suffolk*, and not exceeding *Ten Pounds* a piece in each of the other Counties within the Province, to be paid out of the Treaſury of ſuch County.

An Act for Keeping of Watches in Towns.

Juſtices and Select men to appoint a Watch to be kept in Towns.

BE it Enacted by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That from time to time, when and ſo often as a Military Watch ſhall not be ordered and appointed to be kept, the Juſtices of Peace, together with the Select men of each Town within this Province, and in ſuch Towns where no Juſtice of the Peace dwells, the Select-men by themſelves are hereby impowred and authorized to direct and order a ſuitable Watch or Watches to be ſet up and kept nightly within ſuch Town, from and after nine a Clock in the Evening, until Sun riſing in the Morning, and the place or places where to ſet the ſame; and alſo a Ward to be kept every Lords Day, and other days, as they ſhall think to be needful; and to appoint the numbers whereof ſuch Watch and Ward ſhall conſiſt, and the time for the beginning and continuance of the ſame. And the Conſtable or Conſtables of the Town, having Orders accordingly given him or them in writing, by the Juſtices and Select-men, or the Select-men only in ſuch Towns where no Juſtice of Peace dwells, are hereby impowred and required from time to time to warn ſuch Watch and Ward reſpectively, and to ſee that all perſons ſo warned by them do attend and obſerve their duty in that regard, and to take care in the Warning thereof, that ſuch Watch or Ward do not conſiſt of all or the greater part Youths, but that ſome able Houſholders or other ſufficient perſons be joyned with them. And the Conſtables are hereby enjoyned to give in Charge to the Watch to ſee that all diſturbances and diſorders in the night be prevented or ſuppreſſed, and to examine all perſons whom they ſhall ſee walking abroad in the night after ten a Clock, of their buſineſs abroad at ſuch ſeaſon, and whither they are going, unleſs they be known orderly and peaceful perſons; and in caſe they give not reaſonable ſatisfaction therein, or are perſons of ill behaviour, or juſtly ſuſpected to have any unlawful intention or deſign, then to ſecure by Impriſonment or otherwiſe,

To be warned by the Conſtable.

all

all ſuch diſorderly and ſuſpicious perſons to be ſafely kept until the morning, and then to carry them before one of the next Juſtices of the Peace to be Examined & Proceeded againſt according to the nature of their Offence as is by Law directed. And ſuch Watchmen ſhall walk the Rounds in & about the principal Inhabited parts within ſuch Town, to prevent any danger by Fire, & to ſee that good Orders be kept, taking particular obſervation and inſpection of all Houſes and Families of Evil Fame; and ſhall ſtrictly obſerve the Charge to be given them as aforeſaid.

Houſes of ill Fame to be obſerved.

And be it further Enacted by the Authority aforeſaid, That all Male perſons in each Town reſpectively, of the Age of Sixteen Years or upwards, being able of Body, or having Eſtate ſufficient to Hire, ſhall be liable to Watch and Ward either in their own perſons, or by ſome other ſufficient perſon or perſons in their room, when duly warned to attend the ſame. Except the Members of the Council, Juſtices of the Peace, Members of the Aſſembly for the time being, the Preſident, Fellows and Students at the Colledge, Miniſters, Grammar School Maſters, the Sheriff of each County, the Chief Commiſſion Officer of each Military Company and Troop for the time being, the Officers of the Governours Troop of Guards, and perſons living two miles from the place where the Guard is kept.

Perſons liable to watch

And be it further Enacted by the Authority aforeſaid, That if any perſons liable to Watch or Ward as aforeſaid, being duly warned by the Conſtable or other perſon by his Appointment, ſhall refuſe or neglect to appear, and attend their duty in that regard, either by themſelves, or ſome other ſufficient perſons in their ſtead, and be thereof Convicted before a Juſtice of the Peace either by the Oath of ſuch Conſtable, or other ſufficient Teſtimony upon Oath, without a juſt and reaſonable Excuſe to be made and given for the ſame. Every perſon ſo offending, ſhall forfeit and pay to the uſe of the Poor in ſuch Town, the Sum of *Five Shillings*, and have the ſaid Sum with the Charges of proſecution levied by diſtreſs and ſale of his or her Goods or Chattels, or otherwiſe be Committed to Priſon until the ſame be paid. And the Conſtables of each Town are required from time to time to obſerve and perform the Orders that ſhall be given them as aforeſaid, on pain of being Fined to the uſe of the Poor within ſuch Town, not exceeding *Forty Shillings*.

Penalty for not giving their attendance when warned.

Provided nevertheleſs, & be it further Enacted by the Authority aforeſaid, That in any Town where the Members of the Council, and the Juſtices of the Peace within ſuch Town, together with the Select men thereof, or the Select men by themſelves, where no Member of the Council nor Juſtice dwells, ſhall judge that a Watch may be kept in ſuch Town more for the benefit and ſafety thereof in other manner than is herein before directed, the Inhabitants alſo agreeing to ſupport the Charge thereof, The Juſtices in the Court of General Seſſions of the Peace within the County where ſuch Town does lye, upon application to them made in that behalf, are hereby impowred and authorized to direct and order the Rule for apportioning and levying of ſuch Sum upon the Inhabitants and Reſidents in ſuch Town, as ſhall be granted by the Town for that purpoſe, in ſuch manner as they ſhall judge moſt equal and reaſonable, by Poll, Eſtate, or both, to be applied accordingly.

Proviſion for keeping a Watch in another form where it may be judged better.

An Act for Rebuilding the Great Bridge over Charles River in the Town of *Cambridge.*

WHEREAS *the great Bridge over Charles River in the Town of* Cambridge *within the County of* Middleſex, *is of common uſe and Advantage to the greateſt part of this Province, conſidering the publick benefit of the* Colledge, *and was at firſt by a General Contribution of the Counties of* Suffolk *and* Middleſex *Erected. The ſaid Bridge being now gone to Decay: And foraſmuch as ſaid Town of* Cambridge *are not able to Rebuild the ſame; and for the encouragement to the new building of ſaid Bridge.*

Allowance out of the Treaſury for Rebuilding ſaid Bridge.

Be it Enacted by His Excellency the Governour, Council and Repreſentatives in Genetal Court Aſſembled, and by the Authority of the ſame, That for and towards the Rebuilding and a new Making the great Bridge aforeſaid, there ſhall be paid out of the Publick Treaſury of this Province, the Sum of *One Hundred Fifty* and *Three Pounds* Money, (*One Hundred* and *Three Pounds,* part of a greater Sum formerly granted by the General Aſſembly for the uſe aforeſaid, not being paid, to be underſtood and intended to be part of the aforeſaid Sum of *One Hundred* and *Fifty Three Pounds.*)

And further for the uſe and end aforeſaid.

How the further charge thereof is to be proportioned.

It is Ordained and Enacted, That there ſhall be paid by the County of *Middleſex,* the Sum of *Fifty Pounds* Money: And by the County of *Suffolk,* the like Sum of *Fifty Pounds* Money. And for the ſupplying of what ſhall be further neceſſary for the Rebuilding ſaid Bridge, The Town of *Cambridge* ſhall pay two third parts, and the Town of *Newton,* ſhall pay one third part of the Coſt and Charges. And the Juſtices of the Peace for the reſpective Counties aforeſaid at the next General Seſſions of the Peace, ſhall, and are hereby Impowred, Authorized and Required to Aſſeſs and Collect, the reſpective Sums aforeſaid in manner and form as they Aſſeſs and Collect other County Charges; and the Select-men of the Towns aforeſaid, to Aſſeſs the proportions aforeſaid, as in other Town Charges.

And further for the more effectual Accompliſhing the work aforeſaid.

Committee to take care about rebuilding ſaid Bridge.

It is Enacted, That *Nathaniel Byfield,* Eſq. Major *James Converſe,* Captain *Andrew Belcher,* Mr. *Jonathan Remington,* Mr. *Thomas Oliver* and Mr. *Edward Jackſon,* ſhall be a Committee, who are alſo hereby Impowred to receive out of the Publick Treaſury and of the Counties and Towns aforeſaid, the reſpective Sum and Sums in and by this Act Granted, and to be Aſſeſt and Collected as aforeſaid; and ſhall according to the true intent and meaning thereof cauſe the ſaid Bridge to be forthwith Erected and ſufficiently Rebuilt, any Law, Cuſtom or Uſage to the contrary notwithſtanding: And that after the ſaid Bridge is Rebuilt and Finiſhed, It ſhall from time to time be Repaired and Maintained at the Charge of the ſaid Towns of *Cambridge* and *Newton,* in the proportion aforeſaid.

How to be repaired and maintained afterwards.

An Act in Addition to the Act, *For Regulating of Townſhips*, &c.

BE it Enacted by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That the Freeholders and other Inhabitants of each Town duly qualified to Vote in Town Affairs at the time of their Annual Meeting, for the Choice of Town Officers, ſhall Choose a ſuitable perſon to be Treaſurer for ſuch Town, who ſhall be Sworn before a Juſtice of the Peace, to the true and faithful diſcharge of his Truſt, who is hereby Impowred to adminiſter the ſaid Oath. And ſuch Treaſurer ſhall, and hereby is Impowred to demand and recive all Debts Rents and Dues belonging or owing to ſuch Town, or the poor thereof; And to Sue for, and recover the ſame by due proceſs in the Law; And ſhall pay out ſuch Monies according to Order from the Select men, or Overſeers of the Poor, purſuant to ſuch Inſtructions as they ſhall receive from the Town: And every ſuch Treaſurer ſhall annually make and render a true Accompt to the Town of all his Receipts and Payments: And ſhall have ſuch allowance for his Service, as ſhall be agreed and ordered by the Town.

Town Treaſurer to be annually choſen.

his Power

to Accompt.

An Act for giving neceſſary Supplies to the Eaſtern Indians, and for Regulating of Trade with them.

WHEREAS *the Indians in the Eaſtern Parts of this Province, ſome time ſince in Hoſtility and Rebellion, having ſubmitted themſelves, and recognized their Subjection and Obedience to the Crown of* England, *have now dependance upon this Government for ſupplies of Cloathing and other Neceſſaries.* To the intent therefore that they may be furniſhed with the ſame at ſuch eaſy Rates and Prices as may oblige them to adhere firmly to the *Engliſh* Intereſt.

Be it Enacted by His Excellency the Governour, Council and Repreſentatives in General Court Aſſembled, and by the Authority of the ſame, That Proviſions, Cloathing and all other Supplies ſuitable for a Trade with the ſaid Indians, to the value of *Six Hundred Pounds*, be forthwith and from time to time procured by the Treaſurer and Receiver General of this Province, or ſuch other perſon or perſons as His Excellency the Governour, with the advice and conſent of the Council, ſhall appoint for that purpoſe, and be paid for out of the Publick Treaſury of this Province: And that a ſufficient quantity of ſaid Supplies be ſent and lodged from time to time at His Majeſties Fort *Mary* at *Saco*, to Trade with ſuch Indians as ſhall come there. And at ſuch other place and places as the Governour, with the advice of the Council, ſhall direct and appoint, as far as the River of St. *Georges*, to Trade with ſuch Indians as ſhall be in thoſe Parts: And that a ſufficient quantity of ſaid Supplies be likewiſe ſent unto *Dunſtable* to Trade with the Indians of *Pennecook* and parts thereabout, who are not to be allowed to come into any of the Towns upon or near *Merrimack* River to Trade, but only to *Watanick*, a place ſo called within the ſaid Townſhip of *Dunſtable*. And no Trade ſhall be allowed in the County of *Hampſhire* with any Indians.

Supplies for Trade with the Indians to be ſent to Fort *Mary* at *Saco*, &c.

And

And for the better management of the Trade with the ſaid Indians.

Be it further Enacted by the Authority aforeſaid, That His Excellency the Governour, with the advice and conſent of the Council, do appoint a ſuitable perſon or perſons to be Truck Maſters to have the care and management of the Trade with the ſaid Indians. Which Truck Maſters ſhall have Inſtructions given them to Sell and Diſpoſe of ſuch Proviſions, Cloathing and Supplies as ſhall be from time to time committed to them to Trade with for the beſt profit and advantage of the Publick that they may; So as they be ſure to Underſell the French; and not to Sell any Strong Liquors to the Indians at any time, nor to truſt them for any conſiderable matter, nor to take any conſiderable pledge of them, nor the forfeiture thereof at any time. And the ſaid Truck Maſters ſhall return and deliver unto the Treaſurer or ſuch other perſon or perſons as ſhall be appointed as aforeſaid, for procuring the ſaid Supplies, all ſuch Goods, Skins, Peltry, Caſtorium, and other things as ſhall be produced, or come to their hands by the ſaid Trade with the Indians, or in lieu of the Goods that ſhall be Sold unto them; to be by the ſaid Treaſurer, or other perſon or perſons as aforeſaid, Sold and Diſpoſed to the beſt advantage, and the produce thereof to be laid out in procuring ſuch further Supplies as there may be occaſion. And the ſaid Truck Maſters ſhall keep fair Accompts of their Trade and Dealings with the ſaid Indians, & ſhall return the ſame from time to time to the Treaſurer, or other perſon or perſons to be appointed for procuring ſuch Supplies as aforeſaid. And ſuch Truck Maſters ſhall, before they enter upon the Management of the ſaid Trade, be Sworn to be faithful therein, and to obſerve ſuch Inſtructions as ſhall be given them by the Governour, with the advice of the Council from time to time, and not to Trade for any thing with the ſaid Indians on behalf or for account of themſelves or any other particular perſon or perſons.

Truck Maſters to be appointed to manage ſaid Trade.

Who are to keep fair Accompts, &c.

And to be Sworn.

And be it further Enacted by the Authority aforeſaid, That no perſon or perſons whatſoever, other than thoſe to be imployed as Truck Maſters as aforeſaid, ſhall or may preſume by themſelves, or any other for them, directly or indirectly to Truck, Barter, Buy, Sell, Deal or Trade with any Indian or Indians in any place within this Province, to the Eaſtward of *Piſcataqua* River or in any other place or places on or near *Merrimack* River, or *Naſhaway* River. On pain that every perſon or perſons ſo Trading, ſhall Forfeit the Sum of *Fifty Pounds*, and all ſuch Goods as he or they ſhall have been Trading with or for, and the Veſſel or Veſſels ſuch perſon or perſons ſhall have been Trading in or with, or the value thereof. One Moiety of the ſaid Forfeitures to be unto His Majeſty, to be laid out in procuring ſupplies to Trade with the ſaid Indians on account of the Province, and the other moiety to him or them that ſhall inform and ſue for the ſame, in any of His Majeſties Courts within this Province that ſhall have cognizance thereof. And the Commander or Truck Maſter on Board any Veſſel to be improved for Trading with the Indians to the Eaſtward of *Piſcataqua* River, ſhall be, and hereby is impowred to Seiz any Veſſel or Veſſels that ſhall have been Trading with the Indians, and ſhall be afterwards met with by him, and ſhall bring or ſend ſuch Veſſel or Veſſels into ſome Port in order to Tryal.

Penalty on other perſons for Trading with the Indians.

Power of Seizure.

And all perſons that ſhall be imployed as Truck Maſters, or otherwiſe relating to the ſaid Trade with the Indians, ſhall have and receive ſuch Salary or Allowance for their Service therein, as the Governour and Council ſhall order and appoint.

Provided this Act ſhall continue in force for one whole year, and to the end of the Seſſions of the General Aſſembly next after, and no longer.

FINIS.

The Table.

A — Page.

Administration 5
Adultery 65
Affidavits out of Court 83
Allegiance to be Sworn 29
Apparrel of men or women worn by the contrary Sex. 79
Appeal
From the Judge of Probate 39
From a Justice of the Peace 141
From the Sessions of the Peace 140
From the Inferiour Court 145
Appeal to the King in Council 146
Atheism 99
Attleborough 71
Attorneys Fees. 147

B

Banns of Matrimony, how to be askt 19, 79
Bastard Children 13
Beggars 151
Births and Deaths 41
Blasphemy 99
Bounds of Counties and Towns 21
Bread 90
Breach of the Peace 14
Bridge: to be made good and damage happning through defects 54
Bristol Fair 59
Buggery 98
Building 3
Burglary 13

C

Cambridge Bridge 156
Cask 10
Cattle 55
Ceremony to be used in Swearing 147
Chandlers 18 & 93
Churches to enjoy their Priviledges &c. 21
Clerks of Courts
How to be appointed 147
their Fees 34, & 35
to give out Estreat of Fines 46
of the Inferiour Courts to Register Deeds. 101
Constables
penalty for not Serving 25
their Oath 32
may take no reward to hasten payment 58
penalty for not paying in Rates 25 & 96
may require Assistance 135
Cordwainers 106
Coroners Fees 32
to return Jurors in case 141, 143, 145
to Serve Writts in case 142
Correction House 150
Idle persons &c. to be sent thither. 25
Councellors Oath 30
County Treasurer 22
Charges ib.
Courts
Adjournment 73
held by one Justice 96
Of Sessions of the Peace 140
Common Pleas 142
Judicature and Assize 143
Proceedings in Courts 145
Power of Chancery 137. 146
Criminal Offences 12, 45
Cruelty to bruit Creatures forbidden 19
Culler of Fish 12
Curriers 18. 105
Cursing. 12

D

Deeds & Conveyances to be Registred 89
If Fraudulent to be void. 92
Deer 136
Distribution of Intestate Estates 5
of Insolvent Estates 89
Distracted 63
Divorce 20
Drunkenness 12, 45, 75

E

Equity provided for Estates 137
Intestate 5
Insolvent 89

Execu-

Execution
The Forme 111, 112
not to be granted within 24 hours after Judgment 146
nor after a year without a Scire Facias 10
An alias Execution to be granted in case 117

F

Fees 32 & 65
Fences and Fence Viewers 55 & 129
Ferrys 70 & 94
Fines how to be Estreated 46
Forcible Entry and detainer 14
Fishery 28 & 40
Forgery 14
Fornication 13
Fortune Tellers 151
Frauds and Perjury 7
French 38

G

Gagers and Packers 10
Gaming in Publick houses 17
Goalers Fees 36
Goal to be in the custody of the Sheriff 153
Goods
Stoln 13 & 120
Lost 121
Guardians how to be appointed 39

H

Harwich 68
Hawards or Field drivers 55
Highways
how to be repaired
damage hapning through defect } 54
Annoyances to be removed
Incroachments to be removed 105

I

Ideots 63
Idle Persons 25 & 151
Incest and Incestuous Marriages 78
Incroachment on Streets & highways 105
Indians
how to be governed 62
Penalty for Drunkenness 63
for Selling them Liquors &c. 62
Trade with them 157
Judgements
to be satisfyed in Specie 40
by default 146
three Judgements to be final 145
Jurors
how to be chosen 141, 142, 143
Oath 31
Duty and Allowance 76
penalty for non appearance ib. & 131
Justice of the Peace
his Oath 30
Power 14 & 96
Fees 32 & 96
Justices of Courts
Oath 139
Power of Chancery 138. 146
to appoint their Clerks 147
Justices of the Superiour Court
To Licence the Sale of Lands for payment of Debts &c. 92

L

Lands
Lying in Common how to be improved 23
Partition to be Sued out 45
Lyable to payment of Debts &c. 91
Leather 106
Legacies how recoverable 45
Licenses how to be granted 16
Licensed & unlicensed houses. ib. 82. 125
Limitation for Possession 101
Lords Day 17
Lying and Libelling 14

M

Marriages 19. 79
Martha's Vineyard 43 & 80
Measurer of Salt 12
Measures 27
Messengers Fees 65
Militia 47. 149
Money 98. 103
Mortgages how to be discharged 100
Murdering of Bastard Children 92
Murder 98

The Table.

N

Nantuckett 43
Nuſances 18. 93

O

Oaths to be taken inſtead of the Oaths of Allegiance & Supremacy 29
Oaths of Officers 30
Oath of Clerk of the Band 50

P

Packing of Fiſh and Fleſh 10
Peace broken 14
Periury 15
Piracy 87
Poligamie 65. 134
Poor Children to be bound out 25
Poor to be relieved by their Relations 26
Poſſeſſion 101
Pounds and Pound breach 117
Fee for Impounding 56
Ports 131
Priſon to be kep't by the Sheriff 153
Priſoners for Debt 126
Proprietors in common Lands may Sue 69

R

Rates of Towns 96
Raviſhment and Rape 98
Regiſter of Births and Deaths 41
Regiſtry of Deeds 99
Repreſentatives 36. 60
Review to be brought within 3 years 145
Riots 14
Robbery 13. 87
Robbing of Orchards &c. 119
Rogues 151

S

Salt 86
Schools 25
Sealers of Weights &c. 27
Seamen 59
Secretarys Fees 33
Sheep 56
Sheriffs Accompts 46
Sheriffs Oath 31
his Fees 35 & 65
to have cuſtody of the Goal 153
to return Jurors in caſe. 143. 145
Shingles 80
Ships 133
Sickneſſes 149
Slaughter houſes 18
Sons and Servants 75
Still houſes 18
Stoln Goods 120
Strays 121
Sureties 46
Surveyers of High ways 53
Swearing 12. 43
Swine 56

T

Tamers 105
Tarr Caske 11
Theft 13
Tythingmen 95. 124
Tiverton 67
Town ſhips and Town Officers 22
Town houſe in Boſton 52
Towns Impowred to Sue 69
Town Clerk to be Sworn 23
his Oath 31
to grant Writts 97
& Summons for Witneſſes. 147
Town Treaſurer 157
Traynings 48
Treaſurer of the Province his Accompts to be Allowed by the General Aſſembly 86
Treaſon 93
Treſpaſſes 119

The Table.

U

Usury 42
Vagabonds 151
Voters in Town Affair's Qualification 23
for choice of Representatives 61

W

Watches, Military 48
Constables 154
Weights 27
Wills, in what time to be proved 6
to be attested by three or four Witnesses 7
Nuncupative 8
Witnesses, Allowance 147
Penalty for not appearing 147
Wood or Trees cut or carryed off another mans Land, the penalty 119
Work house 152
Wolves 44. 77
Writt for calling an Assembly 108
Writts in Civil causes 110
to be in the English Tongue 147
not to abate for circumstantial Error 147
Issuing out of the Clerks Office of any Court to run through the Province 40 & 142
What Test to bear. 117